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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 337/2015

ITD CEMENTATION INDIA LTD

..... Petitioner

Through Mr.R.Sudhinder, Adv. with
Mr.Dattatray Vyas, Adv.

versus

INDIAN OIL CORPORATION LTD

..... Respondent

Through Mr.Kabir Dixit, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

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28.07.2016

The present petition has been filed by the petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996. Various claims were raised by the petitioner in the letter of invocation dated 20th January, 2015. In reply to the said letter, dated 14th March, 2015, it was communicated to the petitioner by the respondent that the notified claims are Claims No.3 & 4 only. Learned counsel for the petitioner submits that the suggestion given by the respondent in the reply dated 14th March, 2015 is acceptable to his client. As far as the other claims are concerned, liberty is sought by the petitioner to take the appropriate remedy in accordance with law. Learned counsel for the respondent has no objection in this regard.

Under these circumstances, Justice M.K. Sharma (Retired Judge of Supreme Court) (Mobile No.9818000190) is appointed as sole Arbitrator to

decide the Claims No.3 & 4 as consented by the parties. For the sake of convenience, the said Claims No.3 & 4 are reproduced here as under:-

“Claim No.3: Additional cost incurred due to crack width and
Claim No.4: Additional cost for Excavation for Pile load tests”

The parties are also allowed to file their respective claims and counter-claims before the Arbitrator. As prayed, liberty is granted to the petitioner to raise other claims by availing appropriate remedies. However, it is clarified that the same would be considered and decided in accordance with law.

The Arbitrator shall ensure the compliance of Section 12 of the Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fees of the learned Arbitrator shall be in terms of the Schedule of the amended Act. The parties to appear before the Arbitrator on 16th August, 2016 at 4.00 p.m. for directions.

The petition is accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the parties and a copy thereof be delivered to the learned Arbitrator.

MANMOHAN SINGH, J.

JULY 28, 2016/ka