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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **ARB.P. 479/2015**

HARSHA GREEN CONSTRUCTIONS Petitioner
Through Ms.Maneesha Dhir, Adv. with
Ms.Geeta Sharma, Mr.Aseem
Swaroop and Mr.Nishant Piyush,
Advts.

versus

INDIAN OIL CORPORATION LTD. Respondent
Through Mr.Amit Meharia, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **01.08.2016**

The present petition has been filed by the petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.

Heard the learned counsel for the parties. It is the admitted position that before filing of the present petition, the respondent No.1 had not appointed the Arbitrator. In terms of the agreement, three names were to be provided by the respondent for appointment of an arbitrator out of which one was to be appointed as arbitrator with the consent of the parties. However, the said names were not provided by the respondent to the petitioner.

Under these circumstances, the present petition is allowed. Justice Vijender Jain, (Retd.) (Mobile No.9868852101) is appointed as sole Arbitrator to adjudicate the disputes arising out of the agreement in question

between the parties as mentioned in the present petition as well as the issue of termination as well as claims of the petitioner about final bill. The parties are also allowed to file their respective claims and counter-claims before the Arbitrator. Respondent is at liberty to raise all the pleas before the learned Arbitrator.

The Arbitrator shall ensure the compliance of the provisions of 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 24th August, 2016 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.

AUGUST 01, 2016/jk

MANMOHAN SINGH, J.