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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 77/2015

ETA ENGINEERING PVT. LTD Petitioner
Through: Mr. Kanwal Chaudhary, Advocate.

versus

IJM (INDIA) INFRASTRUCTURE LTD. & ORS Respondents
Through: Mr. Shanshu Sharan with Mr. Y. Kumar,
Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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27.10.2016

1. Although this is an application under Section 9 of the Arbitration and Conciliation Act 1996 ('Act') learned counsel for the parties agree that a sole arbitrator can be appointed by this Court for adjudication of disputes between the parties.

2. The Court accordingly appoints Justice Anil Kumar, a former Judge of this Court, as a sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The learned Arbitrator shall fix his own terms and fees. He is requested to make a disclosure in terms of Section 11 (8) read with Section 12 (1) of the Act before commencing the arbitral proceedings.

3. The parties are directed to appear before the learned Arbitrator on 22nd November 2016 at 4 pm at a venue will be fixed by the Petitioner and communicated to the learned Arbitrator one week in advance. The expenses thereof will be shared equally by the parties. If the said date and time are not convenient, the learned Arbitrator will communicate to the parties the changed date and time at least three days in advance.

4. The interim order passed by this Court on 30th December 2015 is directed to continue, subject to the bank guarantee kept alive by the Petitioner, till such the learned Arbitrator varies or modifies the said order in accordance with law in an application that may be filed by either party under Section 17 of the Act. Such application be filed not later than prior to the first hearing. The learned Arbitrator will in that event endeavour to dispose of such application within a period of four weeks from the date of the first hearing in the arbitral proceedings.

5. The petition is disposed of in the above terms. A copy of this order be communicated to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

6. Order be given *dasti*.

S.MURALIDHAR, J

OCTOBER 27, 2016

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