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**HIGH COURT OF CHHATTISGARH, BILASPUR****Arbitration Application No. 47 of 2016**

SKS Ispat & Power Limited, Registered Office at 501 B, Elegant Business Park,  
Andheri- Kurla Road, J.B. Nagar, Andheri (E), Mumbai- 400 059

Also at:

Phase II, Industrial Growth Centre, Siltara, Raipur, Chhattisgarh Through its  
authorized Signatory Mr. K. Hariharan

**---- Applicant/Petitioner**

**versus**

M/s Steel Authority of India Limited, Registered Office at: Ispat Bhawan, Lodhi  
Road, New Delhi - 110003

**---- Respondent**

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| For Petitioner | : | Shri Ankit Singhal, Advocate |
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| For Respondent | : | Shri Kashif Sakeel, Advocate |
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**Hon'ble Shri Deepak Gupta, Chief Justice**

**Order on Board**

**02/01/2017**

1. This is an application filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 by the Petitioner for appointment of Arbitrator.
2. It is not disputed that there was an agreement entered into between the parties whereby the Petitioner was appointed as conversion agent. It is not disputed that the disputes arose between the parties. Both the parties have claims against each other. The arbitration clause in the Agreement reads as follows:

“28.3 Arbitration:

28.3.1 In the event the dispute/difference is not resolved through conciliation as per the provisions of clause 1.1. and 1.2 above, either party may upon giving notice to the other party refer the dispute to Arbitration under the SCOPE Forum of Arbitration Rules, 2003.

28.3.2 'Any dispute or difference whatsoever arising between the parties and of or relating to the construction, interpretation, application, meaning, scope, operation or effect of this contract or the validity or the breach thereof, shall be settled by arbitration in accordance with the Rules of Arbitration of the 'SCOPE' and the award made in pursuance thereof shall be final and binding on the parties'."

3. Before Arbitration, conciliation had to be resorted to. The Petitioner first approached Standing Conference of Public Enterprises (SCOPE) for appointment of Conciliator on 19.6.2014. Correspondence went on between SCOPE and parties, but no Conciliator was appointed for one and a half years. Thereafter Shri D.K. Varma, former CMD, RCF was appointed as the Conciliator but no settlement could be arrived at. Thereafter, the Petitioner had approached SCOPE for appointment of Arbitrator on 8.3.2016. No reply was sent by SCOPE and it is only after notice in this petition was issued that SCOPE sent a letter to the counsel for the Petitioner on 6.9.2016 that before Arbitrator could be appointed, the Petitioner was to deposit Rs.10,000/- as non-refundable registration money. The whole purpose of arbitration is frustrated if a body like SCOPE is to take six months even to reply to the letter for appointment of Arbitrator.
4. Therefore, invoking the jurisdiction under Section 11 (6) of the Arbitration and Conciliation Act, 1996, I hereby appoint Shri Justice Dr. S. Radhakrishnan, residing at 407, Gundecha Chambers, Nagindas Master Road, Fort, Mumbai – 400001, a retired Judge of Bombay High Court, as Arbitrator in the case.
5. The Petitioner and the Respondent may file their claim/counter-claim

before the aforesaid Arbitrator within a period of four weeks from today who is requested to dispose of the matter within the time prescribed in the Arbitration and Conciliation Act, 1996, as amended.

6. Registry is directed to send a copy of this order to Shri Justice Dr. S. Radhakrishnan so as to reach within two weeks from today.
7. The arbitration application stands disposed of.

Sd/-

(Deepak Gupta)  
**CHIEF JUSTICE**