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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (T) (COMM.) 3/2017

ARORA CONSTRUCTION CO. (P) LTD

..... Petitioner

Through: Ms. Ansuya Salwan with Mr. Kunal
Kohli, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Jaswinder Singh, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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13.01.2017

IA No. 438/2017 (for exemption)

1. Allowed subject to all just exceptions.

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2. Notice. Mr. Jaswinder Singh, learned counsel accepts notice on behalf of the Respondent.

3. Having heard learned counsel for the parties, the Court is of the view that there should be an independent Arbitrator who may not attract any of the disqualification in terms of Section 12 of the Arbitration and Conciliation Act, 1996.

4. This Court accordingly appoints Mr. S.K. Sarvaria, a former District

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Judge (Mobile No. 9910384642) as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). In the first instance the proposed Arbitrator will make a disclosure to the DAC in terms of Section 11 (8) read with Section 12 (1) of the Act and thereafter enter upon reference. DAC will provide to the parties copies of the said disclosure. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions.

5. Subject to compliance with the above direction, the learned Arbitrator will act as Arbitrator and enter upon reference. The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

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

S.MURALIDHAR, J

JANUARY 13, 2017

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