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

+ **ARB.P. 161/2017**

CONCEPT INFRACON PVT. LTD. Petitioner
Through Mr.Balaji Subramanian and
Mr.Siddharth Nath, Adv.

versus

HIMALAYAN CREST POWER PVT. LTD..... Respondent
Through Mr.Arun Arora, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **11.09.2017**

1. This petition is filed under section 11 of the Arbitration and Conciliation Act, 1996 seeking to appoint a Sole Arbitrator in relation to the Agreement between the parties dated 28.4.2011. Learned counsel for the respondent at the outset submitted that he had filed a reply but the same is lying under objections. A hard copy with a CD has been handed over in Court. Registry may take the same on record.

2. It has been pointed out by the counsel of the respondent that in terms of clause 25.3 (f) of the Arbitration Agreement, an Arbitrator is to be appointed. The Agreement states that where the value of the contract is of Rs.50 million or below, the disputes or differences shall be referred to the Sole Arbitrator who would be appointed by agreement between the parties or by the appointing authority, namely, the Indian Council of Arbitration/President of the Institution of Engineers (India)/The

International Centre for Alternative Disputes Resolution (India).

3. Keeping in view the fact that there are three separate institutions named in the Arbitration clause, the learned counsel for the petitioner very fairly stated that any one of the three Institutes may be nominated for the purpose of conducting the arbitration between the parties. Learned counsel for the respondent submits that the matter may be referred to arbitration of the Indian Council of Arbitration, Federation House, Tansen Marg, New Delhi 110001, who may nominate the Sole Arbitrator.

4. Accordingly, the matter is referred to a Sole Arbitrator to be nominated by the said Indian Council of Arbitration. The arbitration proceedings shall take place under the aegis of the said Council.

5. Petition stands disposed of. All pending applications, if any, also stand disposed of. A copy of this order be sent to the Indian Council of Arbitration.

JAYANT NATH, J

SEPTEMBER 11, 2017

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