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

+ **ARB.P. 202/2017**

RUKMA DECOR AND CONSTRUCTION CO. Petitioner

Through Mr Kanika Singh, Mr Rishi Vohra,
Advocates.

versus

MAHANAGAR TELEPHONE NIGAM
LIMITED

..... Respondent

Through Mr Saket Sikri and Mr Ajay Pal Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.03.2017

IA No. 3377/2017

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

ARB.P. 202/2017 & IA No. 3376/2017

3. The petitioner has filed the present petition, *inter alia*, praying that an independent arbitrator be appointed to adjudicate the claims and further two claims as specified in the petition - which have not been referred by the respondent - be also referred to the arbitrator.

4. Mr Sikri, learned counsel appearing on behalf of the respondent states that an arbitrator has already been appointed and out of the two claims mentioned in the petition only one claim has been withheld. He states that the aforesaid claim was withheld as the same was an excepted matter and

thus outside the scope of the arbitration proceedings.

5. After some arguments, Mr Sikri submits that the said claim would also be referred subject to the respondent's objection in that regard.

6. Learned counsel for the petitioner also states that the language of some of its claims has been changed and the same is not permissible. She earnestly contended that it was not open for the respondent to tweak the disputes(claims) raised. In this regard, it would be open for the petitioner to point out the correct claims and the arbitrator shall consider the same.

7. One more apprehension expressed by the learned counsel for the petitioner is that the arbitrator has not made the disclosure under Section 12 of the Act. In this regard, it is necessary to observe that in terms of the section 12(1) of the Act, a person approached in connection with his possible appointment as a arbitrator is required to make the disclosure as required under section 12 (1) of the Act. Therefore, such disclosure is necessary before his appointment can be considered as final. The petitioner is also at liberty to approach the arbitrator for making the necessary disclosure.

8. In view of the above, the learned counsel for the petitioner does not seek to press any further relief. The petition is disposed of.

9. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

MARCH 17, 2017

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