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

+ O.M.P.(I) (COMM.) 116/2016 and IA No. 1784/2017

CORNIER GENERATOR SALES & SERVICES
PVT. LTD.

..... Petitioner

Through: Mr Pawan Upadhyay, Mr Rajesh
Chhetri, Mr Akash Tyagi and Mr
Ratik Sharma, Advocates.

versus

INDUS TOWERS LIMITED & ANR.

..... Respondents

Through: Mr L. K. Bhushan and Ms Raashi
Beri, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.02.2017**

1. After some arguments, the learned counsel for the parties state that the parties are agreeable that a Sole Arbitrator be appointed to adjudicate the disputes between the parties.
2. In view of the above, Mr Arun Kumar, Additional District Judge (Retired), Mobile No. 9953044978 is appointed as a Sole Arbitrator to adjudicate the disputes between the parties. This is subject to the Arbitrator making the necessary disclosure under Section 12 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') and not being ineligible under Section 12(5) of the Act.
3. The parties are at liberty to approach the Arbitrator for a preliminary hearing to fix the schedule of further proceedings. The fees of the Arbitrator

shall be fixed in consultation with the counsel of the parties and having regard to Schedule IV of the Act.

4. In the meantime, the interim order passed on 19.04.2016 shall continue till further orders are passed by the Arbitral Tribunal. The Arbitral Tribunal shall consider the present application as an application under Section 17 of the Act and pass appropriate orders after hearing parties as expeditiously as possible and preferably within a period of three months from today.

5. It is clarified that nothing stated in this order or any of the previous orders passed by this Court in these proceedings be read as an expression of opinion on the merits of the dispute and the Arbitrator shall decide the disputes between the parties as well as the present petition (considered as an application under Section 17 of the Act) uninfluenced by any observations made by this Court in these proceedings.

6. The petition is disposed of.

VIBHU BAKHRU, J

FEBRUARY 10, 2017
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