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

+ ARB.P. 281/2017

SSS BUILDERS

..... Petitioner

Through Mr.Pravin Sharma, Mr.Avneesh Garg
and Ms.Kanika Sharma, Advs.

versus

NATIONAL THERMAL POWER CORPORATION
& ORS.

..... Respondent

Through Mr.Varun K.Chopra, Mr.Sandeepan
Pathak and Mr.Yashovardhan, Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

08.05.2017

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This petition is filed under section 11(4)(b) of the Arbitration and Conciliation Act,1996 seeking appointment of third Arbitrator/Presiding Arbitrator. The petitioner was granted a contract for civil maintenance of the township of respondent No.1 situated at Sector-32, Noida, U.P. Disputes have arisen between the parties. The respective parties have nominated their respective arbitrators. However, the learned Arbitrators are not able to come to an agreement on appointment of the third arbitrator. Relevant paragraph of the Arbitration Clause being clause 64 reads as follows:-

“64.0 ARBITRATION: If any dispute(s) or difference(s) of any kind whatsoever arise between the Parties hereto in connection with or arising out of this Contract, the Parties hereto shall negotiate with a view to its amicable resolution and settlement. In the event no amicable resolution or settlement is reached

within a period of thirty (30) days from the date on which the dispute(s) or difference(s) arose, such dispute or differences shall be referred to and settled by arbitral tribunal comprising of three arbitrators, one to be appointed by each party, the third arbitrator to be appointed by both the arbitrators. In case of difference, the third arbitrator shall be appointed by the Hon'ble Chief Justice of Delhi High Court or the.....”

In view of the above, learned counsel for the parties submit that a retired Additional District Judge may be appointed as an Arbitrator. Accordingly, Mr.P.C.Ranga, Addl. District & Sessions Judge (Retd.) (Mobile No.9868905228) is appointed as a the third Arbitrator subject to compliance of section 12(1) of the Arbitration Act. He will be paid fee as per the schedule of respondent/NTPC.

Petition stands disposed of.

JAYANT NATH, J

MAY 08, 2017

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