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

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Judgment delivered on: 06.07.2017

+ **ARB.P. 301/2017**

**M/S PREMIUM PRESSURE VESSELS
PRIVATE LIMITED**

..... Petitioner

versus

M/S EVEREST INDUSTRIES LIMITED

..... Respondent

Advocates who appeared in this case:

For the Petitioner

: Mr Kanishk Ahuja

For the Respondent

: Ms Harsha

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

06.07.2017

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner has filed this petition under Section 11(6) of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as 'the Act').

2. Parties have entered into an Agreement dated 17.12.2013, whereby the respondent had to design, engineer and supply pre-

engineered steel building to the petitioner.

3. *Inter se* disputes have arisen.

4. Letter dated 09.06.2016 invoking arbitration was issued by the petitioner calling upon the respondent to concur upon appointment of a Sole Arbitrator.

5. It is contended by the learned counsel for the petitioner that the respondent has failed to concur upon appointment of an Arbitrator, consequent to which present petition has been filed.

6. Learned counsel appearing for the respondent submits that she has no objection to the appointment of an independent Sole Arbitrator.

7. Accordingly, Mr. C. K. Chaturvedi, Additional District Judge (Retd.) (Mobile No. 9810652722), is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. This is subject to the Arbitrator making the necessary disclosure under Section 12 of the Act not being ineligible under Section 12(5) of the Act.

8. The Arbitral Tribunal shall examine the claims of the petitioner

and the counter claims, if any of the respondents.

9. The Arbitrator shall fix his fee in consultation with the learned counsel for the parties.

10. The parties are at liberty to approach the learned Arbitrator for elucidating the necessary disclosures and for further proceedings.

11. The petition is accordingly disposed of.

12. Order *Dasti* under signatures of the Court Master.

JULY 06, 2017

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SANJEEV SACHDEVA, J