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

+ **ARB.P. 634/2016**

BSES RAJDHANI POWER LTD

..... Petitioner

Through: Mr Rishab Raj Jain, Advocate.

versus

M/S WELCOME CONTRACTS

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.01.2017

1. The petitioner has filed the present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 praying that an Arbitrator be appointed to adjudicate the claims that have been raised by the respondent in relation to the work orders issued to the respondent. The learned counsel appearing for the petitioner fairly points out that the petitioner does not have any claim against the respondent but the respondent had made certain claims and is insisting that the same be paid. In view of the above, the petitioner had invoked the arbitration clause by a notice dated 08.09.2016 for settlement of disputes. However, in response thereto the respondent had declined to appoint an Arbitrator indicating that he was facing paucity of funds and, therefore, would be unable to appoint an Arbitrator.

2. Since, the arbitration agreement is not disputed, Mr Neeraj Sharma, Advocate (Mobile No.9810335200), who is present in court, is appointed as an Arbitrator to adjudicate the disputes between the parties. The Arbitrator

shall fix his fees in consultation with the parties and keeping in view that the respondent has already indicated severe paucity of funds. This is subject to the Arbitrator making the necessary disclosure under Section 12 of the Act and not being ineligible under Section 12(5) of the Act.

3. The petition is disposed of.

VIBHU BAKHRU, J

JANUARY 09, 2017
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