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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 59/2018

AHLCON PARENTERALS (INDIA) LTD.

..... Petitioner

Through Dr. B.K. Dash and Mr. Alok Kumar,
Advs.

versus

GMP TECHNICAL SOLUTIONS PVT. LTD.

..... Respondent

Through Mr. Anil Kumar Aggarwal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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26.11.2018

1 This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (in short '1996 Act').

2 Mr. Aggarwal, who, appears for the respondent says that while, he has no objection to the Court appointing a neutral Arbitrator, the defence concerning limitation, amongst other grounds, available to the respondent, should be kept open.

2.1 I am also informed by the counsel for the respondent that a winding up petition has been filed by the respondent in this Court which is numbered as: C.P. 208/2015. Learned counsel says that the winding up petition is coming up for hearing before the learned Company Judge on 28.11.2018.

3 Insofar as this petition is concerned, as agreed, it is disposed of

with the following directions in place:

- (i) Mr. G.D. Dhanuka, (Retd.) Additional District Judge is appointed as an Arbitrator.
- (ii) Learned Arbitrator will be paid his fee in accordance with the provisions of Fourth Schedule appended to 1996 Act.
- (iii) Learned Arbitrator will entertain the defence of the respondent on merits including the defence concerning limitation.

4 *Dasti* under the signatures of the Court Master.

RAJIV SHAKDHER, J

NOVEMBER 26, 2018

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