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

+ **ARB.P. 146/2018**

**S & P INFRASTRUCTURE DEVELOPERS
PVT LTD**

..... Petitioner

Through: Mr Shrish Misra and Mr Raghvendra
Upadhyay, Advocates.

versus

**INDIAN ROAD CONGRESS, NEW DELHI
& ORS.**

..... Respondents

Through: Mr Saurabh and Mr Santosh Kumar,
Advocates for R-1.
Mr Dev P. Bhardwaj, CGSC with Mr
Surinder Kumar, Advocate for R-2 &
R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.03.2018

1. This is an application filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that the Arbitral Tribunal be constituted for adjudication of the disputes that are stated to have arisen between the parties in connection with an Agreement dated 05.07.2012 (hereafter 'the Agreement').
2. The petitioner had invoked the arbitration clause in terms of which the Arbitral Tribunal was constituted by three members. One arbitrator was to be nominated by the respondents and the other arbitrator was to be nominated by the petitioner. Both the nominated Arbitrators were to

nominate a Presiding Arbitrator. The respondent had appointed Shri Kamlesh Kumar (Former Additional Director General, Ministry of Road Transport and Highways) as their nominee and the petitioner had appointed Shri B. D. Joshi (Retired Engineer-in-Chief, Himachal Pradesh, PWD). Both the aforesaid Arbitrators had appointed Shri S. N. Das (Former Director General, Ministry of Road Transport and Highways) as the Presiding Arbitrator. Thereafter, respondent no.3 sent a letter to the Arbitrator nominated by it – Shri Kamlesh Kumar – calling upon him to not proceed with the arbitration process, as his appointment had not been confirmed. This led the petitioner to file the present petition.

3. The learned counsel appearing for the petitioner has today handed over a letter dated 05.03.2018, whereby the respondents have confirmed the appointment of Shri Kamlesh Kumar as their nominee Arbitrator. In this view, there is no impediment with the Arbitral Tribunal proceeding further.

4. In view of the above, the Arbitral Tribunal constituted by Shri Kamlesh Kumar, Shri B. D. Joshi and Shri S. N. Das shall proceed further to consider the disputes arising from the Agreement.

5. The petitioner seeks no further relief. Thus, no further orders are required to be passed in this petition. The same is disposed of.

VIBHU BAKHRU, J

MARCH 08, 2018
MK