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

+ **ARB.P. 153/2018**

ITD CEMENTATION INDIA LIMITED Petitioner

Through: Mr R. Sudhinder, Ms Prerana
Amitabh, Mr Dattatray Vyas and Mr
Anurag Tripathi, Advocates.

versus

RAIL VIKAS NIGAM LIMITED Respondent

Through: Mr Udit Seth, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **02.04.2018**

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act').
2. After some arguments, the learned counsel appearing for the respondent states that the petitioner may appoint any one person from the panel of sixteen names, furnished to him. The respondent would also appoint an arbitrator from the said panel. The learned counsel appearing for the parties agree that the said two Arbitrators may concur on appointment of any retired High Court Judge or a Supreme Court Judge.
3. In view of the consensus between the parties, the petition is disposed of by directing as under:
 - (i) The petitioner shall select one of the sixteen names as furnished by the respondent for being appointed as an Arbitrator within a period of one week from today;

(ii) the respondent would also appoint an Arbitrator within a period of one week, thereafter;

(iii) Both the Arbitrators so appointed shall concur on appointing a former Judge of this Court or the Supreme Court as the Presiding Arbitrator within a period of two weeks thereafter; and

(iv) If the Arbitrators are unable to concur on such appointment, the parties are at liberty to apply.

4. It is clarified that this is subject to the arbitrators making the necessary disclosure under Section 12 of the Act. This is also without prejudice to the rights of the parties to challenge the appointment of the arbitrators in accordance with the Act.

5. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

APRIL 02, 2018
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