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

+ ARB.P. 277/2018

MANIKARAN POWER LTD. Petitioner
Through Mr.Sanjeet K. Tiwari, Adv.

versus

NORTH EAST TRANSMISSION COMPANY LTD. Respondent
Through Mr.Syed Hasan Isfahani, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **31.05.2018**

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Sub-Licence Agreement dated 22.07.2016 executed between the parties. The said Agreement contains an Arbitration Agreement in form of Clause 8.1 thereof, which is reproduced herein below:

“8.1 Arbitration: All disputes relating to this agreement or claims arising out of or relating to this agreement or breach, termination or the invalidity thereof or on any issue whether arising during the progress of the services or after the completion or abandonment thereof or any matter directly or indirectly connected with this agreement shall be resolved as per provisions of Arbitration and Conciliation Act, 1996. The proceeding shall be conducted by two arbitrators, appointed by both the parties one each. The Arbitrators shall be appointed within a period of 30 days from date of receipt of written notice/ demand of appointment of Arbitrator from either party.”

The disputes having arisen, the respondent invoked the Arbitration Agreement vide its letter dated 28.11.2017. The respondent also nominated its Arbitrator in the said notice. The petitioner vide its letter dated 27.12.2017 also nominated its own Arbitrator. The two nominated Arbitrators, however, could not agree upon the nomination of the Presiding Arbitrator, forcing the petitioner to file the present petition.

Learned counsels for the parties submit that instead of having three member Arbitral Tribunal, looking into the nature of the disputes and the amount involved, the parties would like to settle their disputes through a Sole Arbitrator. It is submitted that the parties who have nominated the arbitrators would take the responsibility of informing them not to take the arbitration proceedings any further.

In view of the above, I appoint Mr.Rakesh Kumar Dudeja, Advocate, Chamber No.398, Lawyers Chamber Block-II, Delhi High Court, New Delhi, Mobile No.9810147798 as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Sub-Licence Agreement.

The Arbitrator shall give his disclosure statement in terms of Section 12 of the Act before entering into the reference.

Learned counsel for the respondent shall ensure that his *vakalatnama* is brought on record within one week from today.

The petition is allowed in the above terms, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

MAY 31, 2018/Arya