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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 288/2018

AXALTA COATING SYSTEMS INDIA PRIVATE LIMITED .

..... Petitioner

Through Mr. R.L. Mahunta, Adv.

versus

SOLAMALAI AUTOMOBILES PRIVATE LIMITED

..... Respondent

Through Mr. Sharath Sampath and Mr. S.
Dhan, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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06.12.2018

1 I am informed by the counsel for the parties that mediation has failed.

2 Mr. Sharath Sampath, who, appears for the respondent, however, says that there is no dispute as to the existence of an arbitration agreement.

3 In these circumstances, learned counsel for the parties say that they would have no objection if this Court were to appoint a neutral Arbitrator.

4 Accordingly, Justice Sharda Aggarwal, former Judge of this Court (Mob.9810039724), is appointed as an Arbitrator in the matter. Learned Arbitrator will be paid her fees as per the Provision of the Fourth Schedule appended to the Arbitration and Conciliation Act,

1996 (in short '1996 Act').

4.1 The learned Arbitrator before entering upon reference will file a declaration under Section 12 read with attendant provisions of the 1996 Act.

5. Needless to say, the respondent will be entitled to raise all defences including the right to file a counter-claim, if deemed necessary.

6 The petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

DECEMBER 06, 2018

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