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

+ **O.M.P.(I) (COMM.) 196/2018**

EFKON INDIA PRIVATE LIMITED

..... Petitioner

Through: Mr. Anurag Sharma with Mr. Sunil
Singh Parihar, Advs

versus

**INDIAN HIGHWAYS MANAGEMENT COMPANY
LIMITED**

..... Respondent

Through: Ms. Soumya Priyadarshinee with Ms.
Kritika Shukla and Mr. Shubham
Shankar Saxena, Advs

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% 27.11.2018

1. After some arguments, counsel for the parties are agreed that the captioned petition can be disposed of with the following directions which will include the appointment of an Arbitrator by this Court.

1.1 Accordingly, Hon'ble Mr. Justice Badar Durrez Ahmed, Former Chief Justice of Jammu and Kashmir High Court (mobile No. 9910615334) is appointed as the Arbitrator.

1.2 The learned Arbitrator will be paid his fee as per the Fourth Schedule appended to the Arbitration and Conciliation Act, 1996 (in short "1996 Act").

1.3 The learned Arbitrator will adjudicate upon the captioned petition by treating the same as an application under Section 17 of the 1996 Act.

1.4 Pending the disposal of the application, the interim order dated 01.05.2018 will continue to operate. The learned Arbitrator, though, would have the liberty to affirm or vary or even vacate the order dated 01.05.2018.

2 However, having regard to the fact that the validity period of the bids received by the respondent expires in January, 2019, the learned Arbitrator is requested to deal with the captioned petition/application at the earliest.

3 It is also made clear that in case the petitioner impedes the hearing before the learned Arbitrator, the learned Arbitrator will forthwith vacate the order dated 01.05.2018.

4 In order to hasten the proceedings before the learned Arbitrator, pleadings filed before this Court will be taken into account by the learned Arbitrator while adjudicating upon the captioned petition/application.

5 Counsel and the representatives of the parties will appear before the learned Arbitrator on 03.12.2018 at 3:00 pm.

6 In case the aforementioned date is not convenient, the learned Arbitrator is requested to fix another date which is proximate to the date given above.

7 *Dasti* under the signatures of Court Master.

RAJIV SHAKDHER, J

NOVEMBER 27, 2018

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