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

+ **ARB.P. 365/2018**

SCHNEIDER ELECTRIC INDIA PVT. LTD Petitioner

Through: Mr. Amit Kumar Mishra with Ms.
Etisha Srivastav and Mr. Mohit
Singh, Advs.

versus

ETA ENGINEERING PRIVATE LTD. Respondent

Through: Mr. Sohel Rishabh, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

01.08.2018

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1. The substantive prayers made in the captioned petition are as follows:

“(a) The Hon'ble High Court be pleased to constitute the arbitral tribunal, consisting of three arbitrators, in accordance with the procedure envisaged under the arbitration clause i.e. 46 of the LOA;

(b) Award costs of this Petition; and”

2. Learned counsel for the respondent has returned with the instructions to the effect that he has no objection if the prayers made in the petition are allowed.

3. To be noted, the petitioner seeks appointment of an Arbitral Tribunal in consonance with arbitration clause 46 of the Letter of Award ('LOA'). Clause 46 is contained in LOA dated 7.9.2012.

4. Consequently, counsel for the petitioner, it appears, had indicated that the petitioner's nominee would be Justice K.K. Lahoti, a former Judge of

Madhya Pradesh High Court, while the learned counsel for the respondent has indicated that the respondent's nominee would be Justice J.K. Mehra, a former Judge of this Court.

5. Clause 46 requires the parties to choose their respective nominee arbitrators, who would in turn be required to appoint the presiding arbitrator.

5.1 Since, the prayer made in the petition is in terms of clause 46 of the LOA dated 7.9.2012, the learned Arbitrator will do the needful at the earliest.

6. The petition is disposed of in the aforementioned terms.

RAJIV SHAKDHER, J

AUGUST 01, 2018/pmc

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