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

+ **ARB.P. 375/2018**

**M/S AFCONS INFRASTRUCTURE
LIMITED**

..... Petitioner

Through: Mr Darpan Wadhwa, Sr. Advocate
with Mr Pallav Pandey, Mr Kshitij
Parashar and Mr Toyesh Tiwari,
Advocates.

versus

NTPC LTD.

..... Respondent

Through: Mr Tarkeshwar Nath and Mr Saurabh
Kumar Tuteja, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.05.2018

IA No.7058/2018

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that a Presiding Arbitrator be appointed as the arbitrators nominated by the parties are unable to concur on appointment of a third Arbitrator. There is no dispute as to the arbitration clause. The respondent does not contest that a Presiding Arbitrator is required to be appointed. Accordingly, Justice Manmohan Sarin, former Chief Justice of the J&K High Court is appointed as the Presiding Arbitrator. This is subject to the Arbitrator

making the necessary disclosure under Section 12 of the Act and not being ineligible under Section 12(5) of the Act. The parties are at liberty to approach the Arbitral Tribunal for further proceedings.

3. The petition is disposed of.

VIBHU BAKHRU, J

MAY 21, 2018
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