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

+ **ARB.P. 473/2018**

SURYA ALLOY INDUSTRIES LIMITED Petitioner

Through: Ms. Shivangi Singh, proxy counsel
for Mr. Pukhrambam Ramesh Kumar,
Adv

versus

NORTHERN RAILWAYS & ANR. Respondents

Through: Mr. Jagjit Singh with Mr. Preet Singh,
Adv

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **26.11.2018**

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (in short "1996 Act").
2. Notice in this petition was issued on 06.07.2018. Notice was made returnable on 26.9.2018.
3. On 26.09.2018, respondents entered appearance via Mr. Vipin Chaudhary, Advocate.
4. To be noted, Mr. Vipin Chaudhary, Advocate, had appeared on that date on behalf of Mr. Jagjit Singh, Advocate.
- 4.1 It had, however, been made clear on 26.09.2018, that in case instructions are received by the counsel for the respondents to resist the petition, a reply will be filed in the matter before the next date of

hearing.

5. No reply has been filed in the matter.

6. Mr. Jagjit Singh says that he has not received instructions from the respondents.

7. On being queried, Mr. Jagjit Singh says that there is no dispute with regard to the existence of the arbitration agreement.

8. The record shows that via notice dated 27.10.2017, petitioner had called upon respondents to appoint an arbitrator.

8.1 Counsel for the petitioner says that no response was given by the respondents to the said notice.

8.2 In these circumstances, clearly, the respondents have lost the opportunity to appoint an arbitrator in the matter.

9. Accordingly, as prayed, Mr. S. Gambhir, Advocate (M: 9999983935) is appointed as an Arbitrator.

10. Learned Arbitrator will be paid fees as per the provisions of fourth schedule appended to the 1996 Act.

11. The petition is disposed of in the aforesaid terms.

12. *Dasti.*

RAJIV SHAKDHER, J

NOVEMBER 26, 2018

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