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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **ARB.P. 424/2018**  
**SHIVHARE ROAD LINES** ..... Petitioner  
Through Mr. Avneesh Garg, Adv.

versus

**ENGINEERS INDIA LTD, THROUGH ITS MANAGING**  
**DIRECTOR & ANR.** ..... Respondents  
Through Ms. Neelam Rathore and Ms. Pooja  
Sharma, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**  
% **19.12.2018**

**I.A. No. 7691/2018**

1. This is an application for condonation of delay in re-filing.
- 1.2 The period of delay is 83 days.
- 1.3 For the reasons given therein, the delay is condoned.
2. The application is disposed of.

**ARB.P. 424/2018**

3. Ms. Rathore enters appearance on behalf of the respondents.
- 3.1 Learned counsel says that she has taken instructions with regard to respondent no.1's nominee Arbitrator.
- 3.2 I am told that respondent no.1 has nominated Hon'ble Mr. Justice Sarvesh K. Gupta, former Judge of the Uttarakhand High Court as its nominee.

4. On the other hand, the petitioner's nominee is, one, Mr. V.G. Aranke.
5. Learned counsel for the parties say that they would have no objection in this Court appointing the Presiding Arbitrator.
  - 5.1 Accordingly, Hon'ble Mr. Justice D. Murugesan, (Contact no.:011-24363075), former Chief Justice, Delhi High Court, is appointed as the Presiding Arbitrator.
  - 5.2 The Presiding Arbitrator will convene a meeting of the Arbitral Tribunal after consulting the other members of the Arbitral Tribunal and intimating the parties as well as their respective counsel.
  - 5.3 To be noted, counsel for the parties agree that the arbitration be conducted in Delhi.
  - 5.4 In addition thereto, counsel for the parties are agreed that the members of the Arbitral Tribunal should be paid their fee in accordance with the provisions of the Fourth Schedule appended to the Arbitration and Conciliation Act, 1996.
  - 5.5 It is ordered accordingly.
6. The petition is, consequently, disposed of in the aforementioned terms.
7. *Dasti.*

**DECEMBER 19, 2018**  
**rb**

**RAJIV SHAKDHER, J**