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

+ **O.M.P. (T) (COMM.) 84/2018**

ISGEC HEAVY ENGINEERING LTD Petitioner

Through: Ms. Charu Bansal, Adv

versus

M/S INDIAN OIL CORPORATION LTD Respondent

Through: Mr. Anupam Roy, Adv

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **06.08.2018**

I.A. No. 10371/2018 (Exemption)

1. Allowed, subject to just exceptions.

O.M.P. (T) (COMM.) 84/2018

2. Learned counsel for the parties have returned with instructions on the appointment of an arbitrator by this Court.

3. Accordingly, with their consent, Hon'ble Mr. Justice S.P. Garg, Former Judge of this court, is appointed as an arbitrator in the matter.

4. Counsel for the parties have also agreed that the arbitration proceedings will be conducted under the aegis of the Delhi International Arbitration Centre ('DIAC').

5. Furthermore, counsel for the parties are agreed that the rules and fee structure applicable to the DIAC will govern the arbitration proceedings.

6. The claims in the captioned matters, I am told, if taken separately, are of relatively small amounts, therefore, the learned Arbitrator is requested to aggregate the claims and have his fee calculated on that basis.

6.1 The Coordinator, DIAC will act accordingly.

7. Furthermore, the Coordinator, DIAC is requested to retrieve the case files from the earlier arbitrator, Hon'ble Mr. Justice B.A. Khan as he has already indicated that he does not wish to continue with the arbitration proceedings.

7.1 Needless to say, the learned arbitrator will proceed from the stage at which the arbitration proceedings are presently positioned.

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

RAJIV SHAKDHER, J

AUGUST 06, 2018

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