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

+ **ARB.P. 462/2016**

TATA TELESERVICES LIMITED

..... Petitioner

Through Mr A.C. Mishra, Advocate.

versus

SHIVA ILLUMINATE PRIVATE LIMITED

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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02.05.2018

1. The respondent has been served through publication. However, none appears on behalf of the respondent.
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 the panel of three arbitrators be appointed to adjudicate the disputes that have arisen between the parties in relation to the 'Service Agreement' dated 13.08.2015 (hereafter 'the Agreement'). The Agreement includes an arbitration clause, which reads as under:-

“15 **ARBITRATION:** It is mutually agreed between the parties, that in the event any difference or dispute relating to these terms and conditions, the same shall be referred to an Arbitral Tribunal comprising of a sole arbitrator to be nominated by in accordance with the Arbitration and Conciliation Act, 1996 (“The Act”). The award of the Arbitral Tribunal shall be final and binding on all the parties. The Arbitration proceedings shall be held in New Delhi and shall be conducted in

such language as specified by the Arbitral Tribunal. The arbitral proceedings and the arbitral award shall be governed by the provisions of the Act.”

3. In terms of the arbitration clause, the petitioner was required to nominate an arbitrator. However, the petitioner has not done so and has requested that the panel of three arbitrators be appointed. In view of the request made, Mr N.K. Goel, Retd. ADJ, Delhi (Mobile No. 9910384625), Mr N.P. Kaushik, Retd. ADJ, Delhi (Mobile No. 9910384663) and Mr Arun Kumar Arya, Retd. ADJ, Delhi (Mobile No. 9910384687) are appointed as arbitrators to constitute the Arbitral Tribunal for adjudication of the disputes that have arisen between the parties. This is subject to the Arbitrators making the necessary disclosures under Section 12 of the Act and not being ineligible under Section 12(5) of the Act.
4. Since, the claims involved in the present disputes are not very large, the fees of the Arbitral Tribunal is fixed at ₹50,000/- for each arbitrator.
5. The parties are at liberty to approach the Arbitral Tribunal for further proceedings.
6. The petition is disposed of in the above terms.

VIBHU BAKHRU, J

MAY 02, 2018

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