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

+ **ARB.P. 555/2018**

BHARAT HEAVY ELECTRICALS LTD Petitioner

Through: Mr.Vaibhav Dabas, Adv.

versus

JHABUA POWER LTD Respondent

Through: Mr.S.K. Gupta, Ms.Priya Mishra &
Mr.Prashant Rawat, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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30.08.2018

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Supply Contract for Design, Engineering, Manufacturing and Supply of "BTG Package, Station C&I alongwith associated Electricals" and the associated Services Contract for 1 Unit of the 600 MW JPL Project Unit-1 at Seoni awarded by the respondent to the Petitioner.

The agreement between the parties contains an Arbitration Agreement in form of Article 6 of the Supply Agreement and the Services Agreement read with Serial No. 79 of the Resolution of the clarifications/ deviation on commercial terms and conditions dated 16.02.2010.

The petitioner by way of notice dated 14.04.2018 invoked the Arbitration Agreement proposing the name of an Arbitrator. The respondent in its reply dated 17.05.2018 did not agree with the proposed name and instead proposed another name of its own. Therefore, the parties could not

agree on the appointment of an Arbitrator.

The learned counsel for the respondent submits that the respondent has no objection if an Arbitrator is appointed by this Court for adjudicating the disputes that have arisen between the parties.

In view of the above, I appoint Hon'ble Ms. Justice G. Rohini, Former Chief Justice of this Court (Chairperson, Commissioner for Sub-Categorization of OBCs, Vigyan Bhawan Annexe, New Delhi-110011 Mobile No.: +91-8527027027) as an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the above mentioned Agreements. The Arbitrator shall give a disclosure under Section 12 of the Act before proceeding with the reference.

The petition is allowed in the above terms and with no order as to cost.

Dasti.

NAVIN CHAWLA, J

AUGUST 30, 2018/rv