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

+ **ARB.P. 378/2017**

TOTEM-PREMCO (JV)

..... Petitioner

Through: Mr A. K. Thakur, Mr R. K. Mishra
and Mr Rishi Raj, Advocates.

versus

**RAIL VIKAS NIGAM LIMITED (KOLKATA PROJECT
IMPLEMENTATION UNIT)**

..... Respondent

Through: Mr Udit Seth, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 20.02.2018

1. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act').
2. After some arguments, the learned counsel appearing for the respondent states that the petitioner may appoint any one person from the panel of thirteen names, furnished to him. The respondent would also appoint an Arbitrator from the said panel. The learned counsel for the parties agree that the said two Arbitrators may concur on appointment of any retired High Court Judge or a Supreme Court Judge. In view of the concensus between the parties, the petition is disposed of by directing as under:-

The petitioner shall select one of the thirteen names as furnished by the respondent for being appointed as an Arbitrator within a period of one week from today. The respondent would also appoint an Arbitrator within a period of one week, thereafter. Both the Arbitrators so appointed shall

concur on appointing a former Judge of this Court or the Supreme Court as the Presiding Arbitrator within a period of two weeks thereafter. It is clarified that this is subject to the Arbitrators making the necessary disclosure under Section 12 of the Act. This is also without prejudice to the right to of the parties to challenge the appointment of the arbitrators in accordance with the Act.

3. Order *dasti* under signatures of the Court Master.

FEBRUARY 20, 2018
MK

VIBHU BAKHRU, J