

\$~9

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

ARB.P. 713/2016

TATA TELESERVICES LIMITED

..... Petitioner

Through Mr A.C. Mishra, Advocate.

versus

SWASTIK SERVICES

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

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 23.06.2014 (hereafter 'the Agreement'). The Agreement includes an arbitration clause, which reads as under:-

“12.10 **ARBITRATION:** If the Parties fail to resolve such dispute by mutual consultation, then either Party may give the other, a formal notice in writing that the dispute, exist specifying its nature, the point(s) in issue and its intention to refer such disputes, to arbitration under the Arbitration and Conciliation Act, 1996. Each Party will designate an arbitrator to represent their company to resolve any dispute with respect to this Agreement. Then each of the arbitrators shall mutually agree to a third arbitrator. If they fail to agree on the third arbitrator, the same shall be appointed by the Hon. High Court of competent jurisdiction. Arbitration shall be held in NEW DELHI and the arbitration

proceedings shall be conducted in the English language only. The costs and expenses of the arbitration shall be borne by the respective Parties in the manner as specified by the Arbitration Tribunal in its Final Award. The award shall be final and binding on the Parties.”

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

pkv