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

+ ARB.P. 760/2018

PRISTINE MEGA LOGISTICS PARK PVT LTD Petitioner
Through Ms.Neha Rajpal, Adv.

versus

UNION OF INDIA Respondent
Through Mr.Jagjit Singh and Mr.Preet Singh,
Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **30.11.2018**

1. 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 Private Freight Terminal Agreement dated 25.08.2015 executed between the parties. The said Agreement contains an Arbitration Agreement providing for appointment of a three member Arbitral Tribunal.
2. The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 27.11.2017 and also nominated its nominee Arbitrator. The respondent having failed to appoint its nominee Arbitrator, the present petition was filed.
3. Though, the respondent has failed to appoint its nominee Arbitrator and has lost the right to appoint such Arbitrator in terms of the judgment of the Supreme Court in *Datar Switchgears Ltd. v. Tata Finance Limited and*

Anr., (2000) 8 SCC 151, I deem it proper to give another opportunity to the respondent to nominate its Arbitrator for the reason that the counsel for the petitioner also states that in spite of the Arbitrator having been nominated by the petitioner in its notice, it may have to appoint another Arbitrator due to lapse of time.

4. Accordingly, it is directed that the parties shall nominate their respective Arbitrators within two weeks from today. The nominated Arbitrators, apart from giving their disclosures in terms of Section 12 of the Act, shall also appoint the Presiding Arbitrator within two weeks from the date of their appointment.

5. The petition is disposed of in the above terms, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

NOVEMBER 30, 2018/Arya