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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 729/2018

HCL TECHNOLOGIES LIMITED THROUGH: ITS AUTHORIZED
SIGNATORY Petitioner

Through: Mr.Shantanu Tyagi, Mr.A.Raja,
Mr.Shivang Singh, Advs.

versus

DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA
LIMITED Respondent

Through: Mr.Sandeep Narain, Ms.Asha Gopalan
Nair, Ms.Nivedita Nair, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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01.10.2018

IA 13422/2018

Exemption allowed subject to all just exceptions.

ARB.P. 729/2018

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 Contract No.DFCCIL/IT/SI/2011 dated 29.03.2012.

2. The Agreement contains an Arbitration Agreement in form of Clause 6.2.1 of GCC and Clause 6 of SCC.

3. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 02.08.2018. The respondent, however, vide letter dated 11.09.2018, while not disputing the existence of the Arbitration Agreement, did not accept

the nomination of the proposed Arbitrator by the petitioner.

4. The petitioner has therefore, filed the present petition as the parties could not agree on the Arbitrator to be appointed.

5. Mr.Sandeep Narain, Advocate on behalf of the respondent, who appears on an advance notice, submits that the respondent has no objection if this Court appoints an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement. He submits that in fact, the respondent has counter claims against the petitioner.

6. Keeping in view the existence of the Arbitration Agreement and due invocation thereof, as also no objection expressed by the counsel for the respondent, I appoint **Justice D.K.Jain**, Former Judge of the Supreme Court of India, (C-4/3, Ground Floor, Safdarjung Development Area, New Delhi-110016 Mobile-9999922288) as an Arbitrator for adjudicating the disputes that have arisen between the parties.

7. The Arbitrator shall give his disclosure under Section 12 of the Act before proceeding with the reference.

8. The petition is allowed in the above terms with no order as to costs.

NAVIN CHAWLA, J

OCTOBER 01, 2018
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