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

+ ARB.P. 564/2017 & I.A. No.10215/2017

OSAKA ALLOYS & STEELS PVT. LTD. Petitioner
Through: Mr. Ankit Parhar, Adv.

versus

MSTC LTD. & ANR. Respondent
Through: Mr. Shiv Gupta with Ms. Kanupriya,
Advs. for R-1.
Mr. Srivats Kaushal, Adv. for Mr.
Jasmeet Singh, Adv. for R-2/UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **04.09.2018**

1. The instant petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the '1996 Act') for appointment of an arbitrator in the matter.
2. It is not disputed that respondent No.2/UOI is required to appoint an arbitrator in the matter. Liberty for this purpose was given to respondent No.2/UOI on 9.1.2018 and 6.8.2018; despite which respondent No.2/UOI has not moved forward in the matter.
3. Mr. Srivats Kaushik, who, appears for respondent No.2/UOI submits that despite having written to the concerned department with regard to the appointment of an Arbitrator, he has no instructions in the matter.
4. Having regard to the aforesaid circumstances obtaining in the matter, counsel for the parties, which includes respondent No.1 as

well as respondent No.2/UOI say that this court may appoint an arbitrator.

5. Accordingly, Mr. H.S. Sharma, former District and Sessions Judge is appointed an Arbitrator in the matter. The arbitration proceedings will be conducted in accordance with rules and fee schedule prescribed by the Delhi International Arbitration Centre.

5.1 Counsel for the parties are agreeable to issuance of this direction as well.

6. The captioned petition is, accordingly, disposed of.

7. Consequently, pending application shall stand closed.

RAJIV SHAKDHER, J

SEPTEMBER 04, 2018/pmc