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

+ O.M.P.(I) 22/2017 & I.As. 400/2018 & 2446/2018

REGEN POWERTECH PRIVATE LIMITED Petitioner

Through Mr. Gopal Jain, Sr. Adv with
Mr. Jeevanandham Rajagopal,
Mr. Anush Raajan, Mr. S. Aravindan,
Ms. Kriti Awasthi and Mr. Rahul
Kukreja, Advs

versus

GREEN INFRA WIND FARM ASSETS LIMITED & ANR.

..... Respondents

Through Mr. Sandeep Seths, Sr. Adv with
Ms. Tine Abraham and Ms. Vatsala
Kumar, Advs

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+ O.M.P.(I) 26/2017

REGEN POWERTECH PRIVATE LIMITED Petitioner

Through Mr. Gopal Jain, Sr. Adv with
Mr. Jeevanandham Rajagopal,
Mr. Anush Raajan, Mr. S. Aravindan,
Ms. Kriti Awasthi and Mr. Rahul
Kukreja, Advs

versus

SEMBCORP GREEN INFRA LIMITED, & ORS. Respondents

Through Mr. Sandeep Seths, Sr. Adv with
Ms. Tine Abraham and Ms. Vatsala
Kumar, Advs

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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27.02.2018

With the consent of the parties, the petitions are disposed of with the

following directions:

- (i) The petitioner has filed the present petition(s) seeking certain urgent interim relief under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act').
- (ii) The Arbitration Agreement between the parties provides for appointment of an Arbitral Tribunal consisting of three arbitrators; one arbitrator to be nominated by either party and the two Arbitrators so appointed by the parties, nominating the Presiding Arbitrator.
- (iii) The petitioner nominates Justice A.P. Shah (former Chief Justice of Delhi High Court) as its nominee Arbitrator while the respondent nominates Justice T.S. Thakur (former Chief Justice of India) as its nominee Arbitrator.
- (iv) Keeping in mind the urgency expressed by the parties, Justice Vikramajit Sen (former Judge of Supreme Court) is appointed as a Presiding Arbitrator. This is also keeping in mind the fact that in relation to certain other agreements between the parties where similar kind of disputes have arisen, the same Arbitral Tribunal has been nominated and it would be expedient that the disputes raised in the present petitions are also heard by the same Tribunal.
- (v) In view of the appointment of the Arbitral Tribunal, these petitions will be considered as applications under Section 17 of the Act before the Arbitral Tribunal and the parties shall be free to file the record of the present petitions before the Arbitral Tribunal.

- (vi) The counsel for the parties bring to my notice that the Arbitral Tribunal has already fixed the hearing on 8th March, 2018 in relation to the other agreements. In view of the same, I deem it expedient that even this reference shall be placed before the Arbitral Tribunal on 8th March, 2018, subject of course to their convenience.
- (vii) The Arbitral Tribunal is requested to dispose of the applications under Section 17 of the Act expeditiously, preferably within four weeks from the receipt of this order, after hearing the parties.
- (viii) This Court has not expressed any opinion on merits of the respective claims and Counter Claims of the parties and all rights and contentions of either party shall remain open before the Arbitral Tribunal.

These petitions and all pending applications are disposed of in the above terms.

Copy of the order be given *Dasti* under the signature of the Court Master.

FEBRUARY 27, 2018/nk

NAVIN CHAWLA, J