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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 830/2017

RELIANCE COMMUNICATION

INFRASTRUCTURE LIMITED

..... Petitioner

Through : Mr.Vaibhav Niti and Ms.Shruti Garg,
Adv.

versus

BHARAT SANCHAR NIGAM LIMITED

..... Respondent

Through : Mr.Sameer Agrawal, Adv.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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04.01.2018

IA No.15390-15391/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ARB.P. 830/2017

Learned counsel for the petitioner submits that though they have nominated their nominee arbitrator but the respondent has not done so. However, learned counsel for the respondent says the respondent has also nominated Mr.T.N.Tiwari as a nominee arbitrator. Since both the parties have nominated their arbitrators, now only the Chairperson needs to be appointed. Clause 20 of the agreement dated 4.2.2009 read as under :

20. Dispute Resolution

a. In the event any disputes, differences or controversies should arise between the Parties hereto, out of or in connection with the provisions

of this Agreement, or any action taken hereunder, the Parties hereto shall thoroughly explore all possibilities for an amicable settlement. In case amicable settlement cannot be reached, such disputes, differences or controversies shall be referred to arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 including any amendment or re-enactment thereof. The number of Arbitrators shall be three, with each Party entitled to appoint one arbitrator. The two arbitrators so appointed shall appoint a third arbitrator who shall act as chairman of the arbitration proceedings.

b. The proceedings of such arbitration shall be conducted in English language and the venue of such arbitration shall be at Mumbai / Delhi / State capitals of the concerned site.

c. The award of such arbitration shall be final and binding upon the Parties hereto.

Per clause 20 above of the agreement both the nominee arbitrators may appoint the Chairperson of the tribunal and with this direction, the petition is disposed of.

YOGESH KHANNA, J

JANUARY 04, 2018

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