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

+ O.M.P.(I) (COMM.) 37/2018 & IA No. 1123-1124/2018

TNT ENTERPRISES

..... Petitioner

Through: Mr.Anirudh Mudgal & Ms.Rashmita
Srinivas, Advs.

versus

LANCO SOLAR ENERGY PRIVATE LIMITED & ANR.

..... Respondents

Through: Mr.Deepak Khurana & Mr.Tejas
Anand, Advs. for R-1
Ms.Shaheen & Mr.Puneet Taneja,
Advs. for NTPC

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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24.01.2018

The learned counsel for the respondent appears on advance notice.

This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking certain interim relief pending the arbitration proceedings between the parties.

This Court vide its order dated 27th April, 2017 passed in Arbitration Petition 193/2017 T & T Enterprises v. Lanco Solar Energy Private Limited & Anr. directed that the Arbitrator shall be appointed under the rules of Delhi International Arbitration Centre (hereinafter referred to as 'DIAC') and the Arbitration shall be conducted under the aegis of DIAC and in accordance with its rules. I am informed that the petitioner has filed its Statement of Claim on 26.09.2017 with the request to DIAC to appoint an Arbitrator in terms of the order passed by this Court. The Arbitrator is, however, yet to be appointed. I am further informed that the fee claimed by

the DIAC has been paid by the petitioner.

In view of the above, I deem it appropriate to dispose of the present petition with the consent of the parties directing:-

- i) DIAC shall appoint a Sole Arbitrator within one week of receipt of this order subject to fulfilment of conditions relevant for appointment of the Arbitrator by the petitioner;
- ii) The Arbitrator so appointed shall hold the first meeting preferably within a period of ten days from the appointment;
- iii) Notwithstanding the procedure being agreed between the parties or as directed by the Arbitrator, the petitioner shall be at liberty to file an application under Section 17 of the Act claiming interim relief.
- iv) The said application shall be considered for disposal by the Arbitrator preferably within a period of four weeks' from the same being filed.

The present petition is disposed of with the above directions.

NAVIN CHAWLA, J

JANUARY 24, 2018/rv