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

+ **ARB.P. 40/2019**

GAS AUTHORITY OF INDIA LIMITED (GAIL)

..... Petitioner

Through: Ms.Ranjana Roy Gawai, Mr.Krishna
Keshav & Mr.Vivek Kumar, Advs.

versus

**SHREEYAM POWER & STEEL INDUSTRIES LIMITED
(FORMALLY KNOWN AS MID- INDIA POEWR & STEEL
LIMITED)**

..... Respondent

Through: Mr.Prashant S. Kanjale, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **14.03.2019**

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 Gas Sale Agreement dated 13.05.2009 executed between the parties.

The Arbitration Agreement is contained in Clause 15.6 (Alternative 2) of the said Agreement.

Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its noticed dated 09.03.2018. Having failed to receive a response from the respondent, the present petition was filed.

The counsel for the respondent submits that the claims raised by the petitioner are not sustainable.

In my view, this would be an issue to be determined by the Arbitral Tribunal.

As the existence of the Arbitration Agreement and due invocation thereof by the petitioner is not denied by the respondent, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement.

I appoint **Justice Arjan Kumar Sikri**, Retd. Judge of Supreme Court (R/o 2, Motil Lal Nehru Marg, New Delhi, Phone: 23016022) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties.

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

The petition is allowed in the above terms, with no order as to cost.

NAVIN CHAWLA, J

MARCH 14, 2019/rv