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

+ **ARB.P. 647/2018**

**AMW AUTO COMPONENT (A DIVISION OF ESSAR STEEL
INDIA LIMITED) & ANR.** Petitioners

Through Mr. Aditya Gupta, Ms. Malvika Kalra
and Mr. Natabrata Bhattacharya,
Advs.

versus

ACME CLEANTECH SOLUTIONS PRIVATE LIMITED

..... Respondent
Through Ms. Pragya Ohri, Mr. Aayush
Chandra and Ms. Aditi Soni, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **20.03.2019**

I.A.4154/2019

1. This is an application seeking condonation of delay in filing the reply.
2. The period of delay is 28 days.
3. Mr. Gupta, who appears for the non-applicants/petitioners, does not oppose the prayer made in the application. The delay is, accordingly, condoned.
4. The application is disposed of.

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5. I have heard the learned counsel for the parties at length.
6. After some arguments, learned counsel for the parties agreed that the

captioned petition can be disposed of in the following agreed conditions:

- (i) That this Court may appoint an independent Arbitrator.
- (ii) That before the learned Arbitrator appointed by this Court enters upon reference, the parties may be referred to the Delhi High Court and Mediation and Conciliation Centre (for short 'Centre').
- (iii) Furthermore, if parties fail to arrive at a negotiated settlement, then the learned Arbitrator will adjudicate upon the disputes on merits.
- (iv) The Arbitrator appointed by this Court should be paid his fee in terms of the provisions of the Fourth Schedule of the 1996 Act.

7. Accordingly, the following directions are passed:

- (i) The parties and their representatives will appear before the Centre on 8.4.2019 at 3:00 p.m.
- (ii) Mr. Balwan Singh Chumbak, Retd. Additional District Judge, Delhi, (Cell no.:9717577008) is appointed as an Arbitrator in the matter.
- (iii) The learned Arbitrator will be paid his fee in terms of the provisions of the Fourth Schedule of the 1996 Act.
- (iv) The learned Arbitrator will, however, not enter upon reference till 10.5.2019.
- (v) The learned Arbitrator, before entering upon reference, will file a declaration in terms of Section 12(5) read with the attendant provisions of the 1996 Act.

8. In case further time is required for conclusion of mediation proceedings, parties will have liberty to approach the learned Arbitrator by way of a joint written request for delaying the commencement of arbitration proceedings.

9. The Arbitrator, at that stage, will assess as to whether further time is required granted.
10. The petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

MARCH 20, 2019
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