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

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**Date of decision: 31.01.2020**

+ ARB.P. 62/2020, I.A. 1124/2020

PAHARPUR COOLING TOWERS LIMITED ..... Petitioner

Through Mr. Rajiv Nayar, Sr. Advocate with  
Mr. Siddhartha Datta, Ms. Ila Kapoor,  
Ms. Ananya Aggarwal, Ms. Akriti  
Kataria, Advocates.

versus

ELENA POWER & INFRASTRUCTURE  
LIMITED

..... Respondent

Through Mr. Jeevesh Nagrath, Mr. Kushagra  
Pandit and Mr. Chandan Dutta,  
Advocates.

+ O.M.P.(I) (COMM.) 339/2019, I.A. Nos. 14198/2019, 14199/2019,  
17840/2019

PAHARPUR COOLING TOWERS LIMITED ..... Petitioner

Through Mr. Rajiv Nayar, Sr. Advocate with  
Mr. Siddhartha Datta, Ms. Ila Kapoor,  
Ms. Ananya Aggarwal, Ms. Akriti  
Kataria, Advocates.

versus

ELENA POWE & INFRASTRUCTURE  
LIMITED & ORS.

..... Respondents

Through Mr. Jeevesh Nagrath, Mr. Kushagra  
Pandit and Mr. Chandan Dutta,  
Advocates.

**CORAM:  
HON'BLE MS. JUSTICE JYOTI SINGH**

**JYOTI SINGH, J. (ORAL)**

1. Mr. Nayar, learned senior counsel for the petitioner, on instructions, submits that the petitioner has no objection to the appointment Mr. Justice Manmohan Singh, former Judge of this court as a Sole Arbitrator, as suggested by the respondent.
2. With the consent of the parties, Mr. Justice Manmohan Singh, former Judge of this court is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
3. The address and mobile number of the learned Arbitrator is as under:

Mr. Justice Manmohan Singh,  
Former Judge of Delhi High Court,  
AB-13, Pandara Road,  
New Delhi-110003  
Mobile: 9717495001
4. The learned Arbitrator shall give disclosure under Section 12 of the Act before entering upon reference.
5. Fee of the Arbitrator shall be fixed as per Fourth Schedule of the Act.
6. The parties further agree that the present petition under Section 9 of the Arbitration and Conciliation Act, 1996 would be treated as pleadings in the application under Section 17 of the Act and all issues raised herein will be decided by the Arbitrator as expeditiously as possible, after the constitution of the Arbitral Tribunal.
7. Learned counsel for the respondent submits that all the issues raised herein by the respondent including the preliminary issue of limitation, be kept open for decision by the Arbitral Tribunal and counter-claim(s) be also

adjudicated by the same Arbitrator.

8. It is open to the parties to raise all issues raised herein including that of limitation by the respondent, before the Tribunal. Counter claim(s), if any, by the respondent will also be decided by the Tribunal.

9. Vide order dated 11.10.2019 this Court had granted status quo on the invocation of the bank guarantees bearing No. 0006BGOO102210, 0006BGOO153510 and 0006BGOO162410 drawn on Respondent No.2 and Bank Guarantee No. 014GT02102330002 drawn on Respondent No.3. The status quo shall continue till the Arbitral Tribunal considers the application under Section 17 of the Act.

10. The petitioner will keep the bank guarantees alive, till further orders by the Arbitral Tribunal on this aspect. The Arbitral Tribunal is at liberty to vary, continue or vacate the interim order after considering the application under Section 17 of the Act.

11. The petitions are disposed of along with the pending applications in the aforesaid terms.

**JANUARY 31, 2020**

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**JYOTI SINGH, J**