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

+ ARB.P. 775/2019

**CAMBRIDGE ENERGY RESOURCES PRIVATE
LIMITED**

..... Petitioner

Through: Mr. Rakesh Kumar, Mr. Dhruv Gutpa
and Mr. Aashish Khattar, Advs.

versus

INDUS TOWERS LIMITED & ORS.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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26.02.2020

This petition has been filed by the petitioner with the following prayers:

“In view of the aforesaid facts and circumstances, the following reliefs:

A. to allow the present Petition and appoint the any independent third umpire arbitrator to decide and adjudicate upon the disputes and differences between the parties; and

B. to pass any other/further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

It is the submission of the learned counsel for the petitioner that as disputes have arisen, the petitioner had invoked the arbitration clause and nominated its Arbitrator. He also states, even the respondents have nominated their Arbitrator. The issue which has been raised in this petition

is that, the nominee Arbitrators could not have arrived at a consensus on the appointment of presiding Arbitrator.

Notice on this petition was issued to the respondents on November 25, 2019. As the notice to the respondents was still awaited, fresh notice was issued on December 10, 2019. My attention has been drawn by the learned counsel for the petitioner to the proof of service filed by the petitioner on January 31, 2020 to contend that all the three respondents have been served through courier, speed post and e-mail. There is no appearance for the respondents despite service. Accordingly, this court is of the view that there is no impediment in appointing a Presiding Arbitrator.

This court appoints Justice R.K. Gauba, a retired Judge of this Court as the Presiding Arbitrator. Let a copy of this order be sent to Justice R.K. Gauba (Retd.) for information.

Petition stands disposed of.

V. KAMESWAR RAO, J

FEBRUARY 26, 2020/jg