

\$~A-23

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

%

Date of decision: 14.01.2020

+ ARB.P. 13/2020 and IA 379/2020

INDIAN OIL CORPORATION LTD

..... Petitioner

Through: Mr. V.N. Koura and Mr. Nikhil Mundeja,
Advocates

Versus

LLOYDS STEEL INDUSTRIES LTD

..... Respondent

Through: Mr. Naresh Thacker and Mr. Avinash
Tripathi, Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

1. This is a petition filed under Section 11(5), (6) and (8) of the Arbitration and Conciliation Act, 1996 (Act) for appointment of a Sole Arbitrator. The Arbitration Clause in the agreement between the parties reads as under :-

"9.0.0.0

9.0.1.0

ARBITRATION

Subject to the provisions of Clause 6.7.1.0 and 6.7.2.0 hereof, any dispute or difference between the parties hereto arising out of any notified claim of the Contractor included in his Final Bill in accordance with the precisions of Clause 6.6.3.0 hereof and/or arising out of any amount claimed by the Owner (whether or not the amount claimed by the Owner or any part thereof shall have been deducted from the Final Bill

of the Contractor or any amount paid by the Owner to the Contractor in respect of the work) shall be referred to arbitration by a Sale Arbitrator selected by the Contractor from a panel of three persons nominated by the General Manager."

2. In connection with the agreement dated 24.11.1994 between the parties, disputes having arisen, a Sole Arbitrator was appointed on 15.10.2009. The present petition has been filed on account of the fact that the learned Arbitrator has withdrawn from the office of the Arbitrator on 02.04.2019.

3. Issue notice.

4. Mr. Naresh Thacker, Advocate accepts notice on behalf of the respondent.

5. Mr. Thacker, on instructions from the respondent, submits that he has no objection to the appointment of an Arbitrator.

6. Mr. Koura, appearing for the petitioner submits that as per the agreement, the petitioner is required to give a panel of Arbitrators and the petitioner has accordingly prepared a list of three Arbitrators from which the Sole Arbitrator can be appointed.

7. 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.

8. The address and mobile number of the learned Arbitrator is as under:

Mr. Justice Manmohan Singh (Retd.),
Former Judge of Delhi High Court,
AB-13, Pandara Road, New Delhi-110003
Mobile: 9717495001

9. The learned Arbitrator shall give disclosure under Section 12 of the Act before entering upon reference.
10. Fee of the Arbitrator shall be fixed as per Fourth Schedule of the Act.
11. Needless to state, the Arbitrator will proceed from the stage the proceedings were left by the earlier Arbitrator. The mandate of the earlier arbitrator Mr. Justice V.S. Aggarwal (Retd.) is terminated.
12. The petition is disposed of along with the pending applications in the aforesaid terms.

JYOTI SINGH, J

January 14 , 2020

yg/

नित्यमेव जयते