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

+ ARB.P. 23/2020

STRIDES PHARMA SCIENCE LIMITED Petitioner

Through: Mr.Avind Nayar, Sr.Advocate with
Mr.Paritosh Goel, Ms.Iti Agarwal and
Ms.Upasana Chandra Shekaran, Advocates

versus

CENTRAL MEDICAL SERVICES SOCIETY Respondent

Through: Ms.Maninder Acharya, ASG with Mr.Rishi
Kant Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **17.01.2020**

IA No.597/2020

Allowed subject to just exceptions.

ARB.P.No.23/2020

1. Issue notice. Learned counsel for the respondent accepts notice.
2. The petitioner is seeking appointment of an Arbitrator under Section 11(6) of the Arbitration and Conciliation Act. The petitioner has claims to the tune of Rs.30 crores.
3. The arbitration agreement between the parties is contained in clause No.20 of the tender documents. The petitioner invoked the arbitration vide notice dated 6th December, 2019. The arbitration agreement and the invocation notice are not disputed.
4. Learned ASG submits that the respondent appointed an arbitrator from the panel of DIAC on 3rd January, 2020.
5. Learned senior counsel for the petitioner submits that the respondent

has no right to appointment of an arbitrator in view of the recent judgment of the Supreme Court in *Perkins Eastman Architects DPC v. HSCC (India) Ltd.*, 2019 SCC OnLine SC 1517.

6. Learned ASG submits on instructions that the respondent has no objection to the appointment of a Retired Judge of this Court as a sole arbitrator and the proceedings be conducted through DIAC. It is further submitted that the respondent shall terminate the mandate of the arbitrator appointed on 3rd January, 2020 within two weeks.

7. The petition is allowed. Mr. Justice D. Murugesan, Former Chief Justice of this Court (Mobile No. 8826253366) is appointed as a sole arbitrator to adjudicate the disputes between the parties.

8. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre (DIAC).

9. The learned arbitrator shall ensure the compliance of Section 12 read with Fifth, Sixth and Seventh Schedule of Arbitration and Conciliation Act, 1996 before commencing the arbitration.

10. The fee of the learned arbitrator shall be in accordance with the Schedule of fees prescribed under the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules.

11. Copy of this order be sent to Delhi International Arbitration Centre (DIAC).

12. Copy of this order be sent to the learned arbitrator.

13. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

JANUARY 17, 2020/mamta