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

% **Date of decision: 04.02.2020**

\+ ARB.P. 105/2020 and IA 1553/2020

HIMACHAL FUTURISTIC COMMUNICATIONS LIMITED ..... Petitioner

Through: Mr. Amol Sinha, Mr. Kshitiz Garg and Mr.Rahul Kochar, Advocates

versus

BHARAT SANCHAR NIGAM LIMITED ..... Respondent

Through: Ms. Leena Tuteja, Advocate

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

1. Issue notice to the respondent.

2. Ms. Leena Tuteja, Advocate accepts notice on behalf of the respondent.

3. Learned counsel for the respondent, on instructions from the respondent, submits that the respondent has no objection to the petition being allowed and a Sole Arbitrator being appointed to adjudicate the dispute between the parties. Arbitration Clause reads as under :

> *"20.1 In the event of any question, dispute or difference arising under this agreement or in connection there-with (except as to the matters, the decision to which is specifically provided under this agreement up to the installation and*

commissioning stage), the same shall be referred to the sole arbitration of the CMD, BSNL or in case his designation is changed or his office is abolished, then in such cases to the sole arbitration of the officer for the time being entrusted (whether in addition to his own duties or otherwise) with the functions of the CMD, BSNL or by whatever designation such an officer may be called (hereinafter referred to as the said officer), and if the CMD, BSNL or the said officer is unable or unwilling to act as such, then to the sole arbitration of some other person appointed by the CMD, BSNL or the said officer. The agreement to appoint an arbitrator will be in accordance with the Arbitration and Conciliation Act 1996. There will be no objection to any such appointment on the ground that the arbitrator is a *Government Servant or that he has to deal with the matter to which the agreement relates or that in the course of his duties as* a *Government Servant he has expressed his views on all or any of the matters in ·dispute. The award of the arbitrator shall be final and binding on both the parties to the agreement. In the event of such an arbitrator to whom the matter is originally referred, being transferred or vacating his office or being unable to act for any reason whatsoever, the CMD, BSNL or the said officer shall appoint another person to act as an arbitrator in accordance with terms of the agreement and the person so appointed shall be entitled to proceed from the stage at which it was left out by his predecessors."*

4. With the consent of the parties, Justice Mukundakam Sharma, former Judge of the Supreme Court is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.

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

Mr. Justice Mukundakam Sharma
Former Judge of the Supreme Court
Bungalow No. 105, New Moti Bagh,
New Delhi-110023
Mobile: 9818000190

6. The learned Arbitrator shall give disclosure under Section 12 of the Act before entering upon reference.

7. Fee of the Arbitrator shall be fixed as per Fourth Schedule of the Act.

8. The petition and the application filed herewith are disposed of in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 04, 2020
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HIGH COURT OF DELHI
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