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

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Date of decision: 07.02.2020

+ ARB.P. 120/2020

GANNON DUNKERLEY & CO LTD.

..... Petitioner

Through Mr. Praveen Kumar Singh, Mr. Sujit
Kumar Singh, Mohd. Ziauddin
Ahmad and Mr. Karan Bhardwaj,
Advocates.

versus

ELENA POWER AND INFRASTRUCTURE
LIMITED

..... Respondent

Through Mr. Rajat Navet and Mr. Kushagra
Pandit, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. 1741/2020

Allowed, subject to all just exceptions.

Application is disposed of.

ARB.P. 120/2020

1. Issue notice.
2. Mr. Rajat Navet accepts notice on behalf of the respondent.
3. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of a Sole Arbitrator with respect to a contract Agreement No. EPIL/Civil/ ATPP /BOP CIVIL/005 dated

20.09.2010.

4. The Arbitration Clause reads as under:-

“In the case of any dispute arising out of or in connection with the terms of the LOA regarding its performance, existence, validity or termination, the parties shall first attempt to reach an amicable settlement through mutual consultations and negotiations. If the parties are unable to reach an amicable settlement within 30 (thirty) days from the date on which the dispute arose, any of the party may make a reference to arbitration in accordance with the following Clause by giving a notice to the other in this regard. The arbitration proceeding shall be conducted in accordance with the Arbitration and Conciliation Act, 1996 and any statutory re-enactment or modification thereof and the place of arbitration shall be Delhi. The arbitration shall be conducted by the sole arbitrator appointed by mutual consent of both the parties. The language of the arbitration shall be English and the place of arbitration shall be New Delhi. The parties agree that they shall be bound by any arbitral award.”

5. Learned counsels for the parties jointly submit that only point of difference between the parties was lack of consensus on the name of the Arbitrator to be appointed to adjudicate the disputes between them. It is, therefore, prayed that this Court may appoint a Sole Arbitrator.

6. Dr. Justice A.K. Sikri, former Judge of Supreme Court is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.

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

Dr. Justice A.K. Sikri,
Former Judge, Supreme Court of India,
144, 1st Floor, Sunder Nagar,
New Delhi-110003
Mobile:9818000300.

8. The learned Arbitrator shall give disclosure under Section 12 of the Act before entering upon reference.
9. Fee of the Arbitrator shall be fixed as per Fourth Schedule of the Act.
10. The petition is allowed in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 07, 2020

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