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

+ ARB.P. 418/2019

SHREE DHAMA INFRASTRUCTURES PVT.
LTD

..... Petitioner

Through: Mr. Amit Gautam, Adv.

versus

SIKKA INFRASTRUCTURES PVT. LTD

..... Respondent

Through: Mr. Prakhar Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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28.02.2020

This petition has been filed by the petitioner under Section 11 (6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.

On the last date of hearing, parties were relegated to the mediation process for exploring a settlement. Mediation Centre has filed its failure report.

My attention has been drawn to a letter dated March 15, 2018 wherein according to the learned counsel for the petitioner, the respondent themselves have proposed the names of three persons for appointment of Arbitrator, which names were not agreeable to the petitioner. In substance, it is his submission that it is conceded position that disputes have arisen between the parties. As there is no consensus on the appointment of an Arbitrator in terms of Clause 16 which reads as under, I accordingly, appoint Justice Anil Kumar, a Retired Judge of this court who shall adjudicate the

disputes and differences between the parties:

“In the event of any question, dispute or difference arising under these presents or in connection therewith including the interpretation and validity of the terms thereof and the respective rights and obligations of the parties shall be settled amicably by mutual discussion (except to any matters the decision of which is specifically provided by these presents) failing which the same shall be referred to the sole / single Arbitrator whose decision shall be final and binding on both the amicably and mutual discussion (except to any matters the decision of which is specifically provided by these presents) failing which the same shall be referred to the sole / single Arbitrator whose decision shall be final and binding on both the parties. In this connection it is made specifically clear that the sole arbitrator shall be appointed by the mutual consent of both the parties to this Deed. The arbitration proceedings shall be governed by Arbitration and Conciliation Act, 1996 and / or statutory amendments / modifications thereof for the time being in force. The arbitration proceedings shall be held at an appropriate location in Delhi / New Delhi. The language of arbitration proceedings shall be English and the award shall also be passed in English language. The cost of Arbitration proceeding shall be fixed at the discretion of the Arbitrator and shall be borne equally by the parties however, the Arbitrator may direct in the award as to who will in due course bear such costs.”

Petition stands disposed of.

Let a copy of this order be sent to Justice Anil Kumar (Retd.) for information.

V. KAMESWAR RAO, J

FEBRUARY 28, 2020/jg