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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 532/2019

M/S JEYES ENGINEER AND CONTRACTOR PVT. LTD

..... Petitioner

Through Mr.Rishi Jain, Adv.

versus

UNION OF INDIA THROUGH NTPC LTD. Respondent

Through Mr.Puneet Taneja with Ms.Laxmi
Kumari, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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10.02.2020

1. The present petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeks appointment of an Arbitrator to adjudicate the disputes and differences, which have arisen between the parties in relation to agreement dated 14.11.2017.
2. It is urged that in terms of para 7 of the said agreement the disputes and differences between the parties are to be adjudicated through arbitration.
3. Learned counsel for the respondent fairly does not dispute the position that the disputes between the parties are required to be adjudicated through arbitration in terms of clause 7 of the agreement. He, however, submits that had the petitioner approached the respondent for appointment of an Arbitrator, the respondent would have taken expeditious steps to appoint an Arbitrator from, its panel of Arbitrators. In response, the learned counsel for the petitioner

submits that the petitioner has apprehensions about the impartiality of the Arbitrator to be appointed by the respondent and, therefore, prays that this Court may appoint an independent Arbitrator. Learned counsel for the respondent fairly does not oppose the petitioner's prayer for appointment of an independent Arbitrator.

4. The petition is accordingly allowed and Mr.Kumar Rajesh Singh, Advocate (Mob:9811013515) is appointed as the Sole Arbitrator to adjudicate the disputes and differences which have arisen between the parties in reference to agreement dated 14.11.2017.

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

6. Before commencing arbitration proceedings, the Arbitrator will ensure compliance of Section 12 of the Arbitration and Conciliation Act, 1996. The Arbitrator will thereafter grant time to the parties to file their claim/counter claim and proceed in accordance with law.

7. A copy of this order be sent to Delhi International Arbitration Centre (DIAC) as also to the learned Arbitrator.

8. The petition is disposed of in the aforesaid terms.

REKHA PALLI, J

FEBRUARY 10, 2020/sr