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

+ **O.M.P.(I) (COMM.) 143/2021**

I.A. 5814/2021 (Section 151 CPC)

I.A. 5815/2021 (Section 151 CPC)

APAAR INFRATECH PVT LTD Petitioner
Through **Dr. Chandra Shekhar and Mr.**
Anurag Anand, Advs.

versus

NHPC LIMITED Respondent
Through **Mr. Puneet Taneja and Ms.**
Laxmi Kumari, Advs.

CORAM:

HON'BLE MR. JUSTICE C .HARI SHANKAR

ORDER (ORAL)

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23.04.2021

(video-conferencing)

C .HARI SHANKAR, J.

O.M.P.(I) (COMM.) 143/2021

1. After some hearing, learned counsel for the parties Dr. Chandra Shekhar on behalf of the petitioner and Mr. Puneet Taneja on behalf of the respondent – NHPC are agreeable to the disputes being referred to arbitration, in accordance with Clause 55.2.2 of the General Conditions of Contract (GCC) governing the agreement between the parties, and for the present petition to be treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 (“the 1996 Act”), to be decided by the Arbitral Tribunal.

2. Clause 55.2.2 of the GCC contemplates arbitration by the SCOPE Forum of Conciliation and Arbitration (SFCA), New Delhi in accordance with the Rules of Arbitration of the SFCA and the provisions of the 1996 Act.

3. In view thereof, this petition is disposed of by referring the disputes between the parties, as set out in the petition, to arbitration under the aegis of the SFCA and as per its rules, regulations and procedure. The fees of the Arbitral Tribunal would also be fixed by the SFCA.

4. The Arbitral Tribunal, to be constituted by the SFCA, would also decide the present petition as an application under Section 17 of the 1996 Act, as expeditiously as possible.

5. With the aforesaid directions, this petition is disposed off without expressing any opinion on merits one way or the other on any of the issues involved and reserving the rights of both parties to urge all questions of facts and law before the Arbitral Tribunal.

6. Let a copy of this order be emailed to learned counsel for the parties within 24 hours.

I.A. 5814/2021 (Section 151 CPC) and I.A. 5815/2021 (Section 151 CPC)

In view of the order passed in the petition, these applications

stand disposed of.

C.HARI SHANKAR, J

APRIL 23, 2021

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HIGH COURT OF DELHI



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