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

+ ARB.P. 1094/2021 & I.A.14694/2021, I.A.14695/2021

ARISTOPLAST PRODUCTS PRIVATE LIMITED

..... Petitioner

Through: Mr.Pranav Vyas, Mr. Manhar
Singh Saini and Ms. Sumedha Chadha, Adv.

versus

ENERGY EFFICIENCY SERVICES LIMITED..... Respondent

Through: Mr. Vishal Arun, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (O R A L)

12.11.2021

(Video-Conferencing)

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1. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an arbitrator on behalf of the respondent. The arbitration clause, in the agreement between the parties, envisages arbitration by a three member arbitral tribunal. The petitioner contends that, having appointed Hon'ble Mr. Justice R.C. Chopra, a Retired Judge of this Court, as its Arbitrator and intimated the respondent accordingly, the respondent failed to appoint its arbitrator within the period of 42 days envisaged by Clause 6.2.6 of the agreement between the parties, the right of the respondent to appoint its arbitrator stands forfeited and this Court would have to appoint the respondent's arbitrator.

2. Mr. Vishal Arun, learned Counsel for the respondent has no objection, but suggests that the matter may be referred to the Delhi International Arbitration Centre (DIAC) to appoint the respondent's arbitrator.

3. Accordingly, the present matter is referred to the Delhi International Arbitration Centre (DIAC) to appoint an arbitrator on behalf of the respondent. The two learned Arbitrators would, thereafter, proceed to appoint the presiding Arbitrator so that the arbitral tribunal would be constituted and the arbitral proceedings could take off. The DIAC is requested to make the appointment as expeditiously as possible.

4. With the aforesaid observations, this petition alongwith pending applications stands disposed of.

C. HARI SHANKAR, J

NOVEMBER 12, 2021/kr