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

% Judgment delivered on: 28th April, 2022

+ **ARB.P. 493/2022& I.A6530/2022**

MS PROMAX POWER LTD

..... Petitioner

versus

MS TAHAL CONSULTING ENGINEERS INDIA PVT LTD

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Mudit Gupta, Advocate.

For the Respondent: Ms. Ritwika Nanda, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Petitioner seeks reference of dispute to arbitration in terms of sub-contract agreement dated 27.01.2021.
2. Issue notice. Notice is accepted by learned counsel for respondent.
3. Learned counsel for respondent submits that petitioner has not invoked arbitration but respondent had invoked arbitration vide notice dated 16.04.2022. However, without prejudice to their respective



stands, learned counsel for parties pray that the dispute be referred to arbitration.

4. In view of the above and with the consent of the parties and without prejudice to their rights and contentions, Mr. G.P. Mittal, former Judge of this Court (Mobile # +91 99103 84619; email: gpmittal@gmail.com) is appointed as the sole Arbitrator. The Arbitral tribunal shall entertain the claims and counter claims, if any, of the parties.

5. The fees of the learned Arbitrator shall be as per the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

6. The Arbitrator shall furnish the requisite disclosure under section 12 of the Arbitration and Conciliation Act, 1996 within two weeks of entering reference.

7. The petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

APRIL 28, 2022

NA