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

+ **ARB.P. 241/2024**

FINOLEX CABLES LIMITED

..... Petitioner

Through: Ms. Amrita Narayan, Mr. Saurobroto
Dutta, Mr. Madhav Sharma, Advs.

versus

BHARAT BROADBAND NETWORK LIMITED..... Respondent

Through: Mr.Ehraz Zafar, Mr. Pranav, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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23.02.2024

I.A. 4281/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

ARB.P. 241/2024

1. The present petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 with Section 151 CPC for appointment of learned arbitrator.
2. Learned counsel for the petitioner submits that earlier in arbitration petition bearing ARB.P.829/2017 vide order dated 05.03.2018, Mr. R.C. Chopra, Retd. Judge, Delhi High Court was appointed as Sole Arbitrator. However, learned counsel for the petitioner submits that they were informed by the DIAC vide e-mail dated 09.01.2024 that Mr. R.C. Chopra, Retd. Judge, Delhi High Court has recused himself from the matter.
3. Both the learned counsel for the parties submits that a fresh learned



arbitrator may be appointed.

4. In view of the submissions made and with consent of the parties, the present petition stands disposed of with following directions;

- (i) Mr. R. K. Gauba, Former Judge of Delhi High Court is appointed as learned Arbitrator to adjudicate the disputes between the parties.
- (ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in term Schedule IV of the Arbitration and Conciliation Act, 1996.
- (iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act before entering into the reference.
- (iv) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
- (v) The parties shall approach the learned arbitrator within two weeks from today.

5. In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

FEBRUARY 23, 2024

Pallavi