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

+ ARB.P. 434/2024

CEMENT CORPORATION OF INDIA LTD. Petitioner

Through: Mr. Gaurav Singh, Advocate.

versus

CLEAN COAL ENTERPRISES PVT. LTD. Respondent

Through: Mr. Ankit Singhal, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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03.04.2024

I.A. 7421/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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1. By way of this petition under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"], the petitioner seeks appointment of an arbitrator to adjudicate disputes between the parties under an agreement dated 28.01.2022.
2. The agreement contains an arbitration clause [Clause 18 of the Special Terms and Conditions], which provides for adjudication of disputes by a sole arbitrator. New Delhi has been designated as the seat of arbitration under Clause 18.3.
3. Mr. Gaurav Singh, learned counsel for the petitioner, submits that



the petitioner invoked arbitration by a notice dated 08.10.2023, and suggested the name of an arbitrator. In its reply, through counsel, on 04.11.2023, the respondent disputed the petitioner's contention on merits and also expressed disagreement with the name of the arbitrator suggested by the petitioner. However, it was stated that the arbitrator is to be appointed by the mutual consent of the parties, or failing the same, by the Court.

4. Mr. Ankit Singhal, learned counsel, appears on behalf of the respondent on advance notice, and submits that an independent arbitrator may be appointed by the Court.

5. The petition is therefore disposed of, by referring the disputes under the agreement dated 28.01.2022 to the arbitration of Ms. Zehra Khan, Advocate [Tel: 9958114482].

6. The arbitration will be under the aegis of Delhi International Arbitration Centre, Shershah Road, New Delhi-110503 ["DIAC"], and will be governed by the Rules of DIAC, including as to the remuneration of the learned arbitrator.

7. The learned arbitrator is requested to furnish a declaration in terms of Section 12 of the Act, prior to entering upon the reference.

8. It is made clear that all rights and contentions of the parties on maintainability of the claims and on merits are left open for adjudication by the learned Arbitrator.

9. The petition stands disposed of in these terms.

PRATEEK JALAN, J

APRIL 3, 2024/'pv'/