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

\+ ARB.P. 457/2024
SATAKSHI CONTRACTORS PRIVATE LIMITED
..... Petitioner
Through: Mr.Kshatrshal Raj, Adv.
versus
TELECOMMUNICATIONS CONSULTANTS INDIA LIMITED
..... Respondent
Through: Mr.K.P.S. Kohli, Mr. Kartik Mittal, Advs.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

O R D E R

% 08.04.2024

I.A. 7757/2024 (exemption)

Exemption is allowed subject to all just exceptions.

ARB.P. 457/2024

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the *'A&C Act'*), the petitioner seeks appointment of Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. There is no dispute as to agreement and the arbitration clause as well as the territorial jurisdiction of this Court. It has been submitted that the parties could not reach on *ad idem* over the name of the sole arbitrator for adjudication of the disputes, hence the present petition has been filed.
3. Issue notice.
4. Mr. K.P.S. Kohli, learned counsel has accepted the notice.
5. Learned counsel for the respondent submits that the sole arbitrator may

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be appointed.

6. Considering that both the parties have consented to the reference to the arbitral tribunal, the present petition is disposed of with the following directions:

   i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.

   ii) As agreed by both the counsels for the parties, Mr. Justice Ajit Bharihoke, Former Judge of High Court, Mobile No. 9650110057 an Arbitrator to adjudicate the disputes between the parties.

   iii) The remuneration of the learned Arbitrator shall be in terms of Schedule IV or as per the agreement between the parties.

   iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.

   v) 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.

   vi) The parties shall approach the learned arbitrator within two weeks from today.

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

DINESH KUMAR SHARMA, J

APRIL 8, 2024/*Pallavi*

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