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

+ O.M.P. (T) (COMM.) 37/2024  
POWER AND ENERGY CONSULTANTS  
INDIA PRIVATE LIMITED .....Petitioner

versus

SJVN LIMITED .....Respondent

Through:

+ O.M.P. (T) (COMM.) 38/2024  
POWER AND ENERGY CONSULTANTS  
INDIA PRIVATE LIMITED .....Petitioner

versus

SJVN LIMITED .....Respondent

**MEMO OF APPEARANCE:**

Mr Vinay Kumar Garg Sr. Adv with Mr. Rajendra Singhvi, Ms. Anundhati Chakraborty, Mr. K. K. L. Gautam, Mr. K. S. Rekhi, Mr. Parv Garg and Mr. Pawas Kulshrestha, Advocates for Petitioner.

Mr. Uttam Datt, Ms. Sonakshi Singh, Mr. Kumar Bhaskar and Mr. Aman Sanjeev Sharma, Advocates for Respondent.

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

% **24.09.2024**

1. These are petitions filed under Sections 14(1)(a) & (2) and 15(2) of the Arbitration and Conciliation Act, 1996 seeking termination of the mandate of the presiding Arbitrator.

2. The learned senior counsel for the petitioner besides raising legal objections, has also expressed apprehensions in the manner in which the



arbitral proceeding was going on.

3. Learned counsel for the respondent has opposed the submissions of Mr Garg but in order to put a quietus, on instructions, states that in place of an Arbitral Tribunal comprising of 3 Arbitrators, a Sole Arbitrator be appointed who shall take over the proceedings from the stage they were left by the previous Arbitral Tribunal.

4. Mr Datt, learned counsel for the respondent has handed over a calculation wherein a sum of Rs. 16,60,756/- has been paid to the Arbitral Tribunal by the respondent solely.

5. Since the petitioner did not pay their proportionate share (i.e. 50% of Rs. 16,60,756/- which works out to Rs. 8,30,378/-) of the Arbitral Tribunal including boarding, lodging, travel, G.S.T etc, the said amount of Rs. 8,30,378/- (50% of Rs. 16,60,756/-) shall be paid by the petitioner to the respondent within a period of four weeks from today.

6. With consent of parties, the petition is allowed and the following directions are issued:-

- i) Mr. S.K. Tandon (Retd. ADJ) (Mob. No. 9811719888) is appointed as a Sole 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').
- iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
- 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/counter-claims and 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 amount of Rs. 8,30,378/- paid by the petitioner to the respondent shall be subject to adjustments made in the final Award.
8. The calculation handed in Court today is taken on record.

**JASMEET SINGH, J**

**SEPTEMBER 24, 2024**

sr/ SP

[Click here to check corrigendum, if any](#)