



\$~24

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

+ ARB.P. 618/2024

PINAKIN GREEN ENERGY PRIVATE LIMITED Petitioner

Through: Ms. Taniya Malhotra, Ms. Givisha
Sharma, Mr. Amit Manchanda,
Advocates.

versus

JUNIPER GREEN THREE PRIVATE LIMITED Respondent

Through: Mr. Shaiwal Srivastava, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

10.05.2024

I.A. 10697/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ARB.P. 618/2024 & I.A. 10698/2024 (condonation of delay)

1. The petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], for appointment of an arbitrator to adjudicate disputes between the parties under a Work Order dated 29.10.2021.

2. The work order contains an arbitration clause [Clause 9.01] of the General Conditions of Contract. The Clause provides for arbitration by a sole arbitrator with the seat of the arbitration in New Delhi.

3. Disputes having arisen between the parties, the petitioner invoked the arbitration clause by a notice dated 15.07.2023. In its reply dated



13.10.2023, the respondent did not dispute the existence of the arbitration clause and, in fact, asserted a counter claim.

4. Mr. Shaiwal Srivastava, learned counsel, appears on behalf of the respondent on advance notice, and submits that the claims and counter claims of the parties may be referred to arbitration leaving all rights and contentions of the parties open.

5. Having regard to the above, the petition is disposed of with the consent of learned counsel for the parties with the following directions:

A. The disputes between the parties (including claims and counter claims) are referred to the arbitration of Hon'ble Ms. Justice Deepa Sharma, former Judge of this Court [Tel: 9910384631].

B. The arbitration will be conducted under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi ["DIAC"], and will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.

C. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

6. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned Arbitrator.

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

PRATEEK JALAN, J

MAY 10, 2024

"Bhupi"/