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

+ **ARB.P. 917/2023**

M/S. SURYA CONSTRUCTIONS Petitioner

Through: Counsel (appearance not given).

versus

M/S. GE T AND D INDIA LIMITED Respondent

Through: Mr. Abhijeet Swaroop and Ms.
Aneesha Rastogi, Advocates.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
19.02.2024

By way of the present petition under section 11 of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks appointment of a Sole Arbitrator to adjudicate upon the disputes that are stated to have arisen with the respondent.

2. Issue notice.
3. At this stage, learned counsel appearing for the parties jointly submit that parties are ready and willing to have their disputes adjudicated by a learned Sole Arbitrator. They further request that Hon'ble Ms. Justice Indermeet Kaur, former Judge of this court be appointed as the learned Sole Arbitrator in the matter under the aegis of Delhi International Arbitration Centre, New Delhi ('DIAC').



4. Upon a conspectus of the averments contained in the petition, the stand taken by the parties, and the submission made by learned counsel as above, this court is satisfied that there is a valid and subsisting arbitration agreement between the parties; that this court has territorial jurisdiction to entertain and decide the present petition; and also that the disputes that are stated to have arisen between the parties, as set-out *inter-alia* in invocation notice dated 20.07.2023, do not appear *ex-facie* to be non-arbitrable.
5. Accordingly, the present petition is allowed and, as requested, **Hon'ble Ms. Justice Indermeet Kaur, former Judge of Delhi High Court (Cellphone No.: +91 9910384614)** is appointed as the learned Sole Arbitrator to adjudicate upon the disputes between the parties; with arbitration proceedings to be conducted under the aegis of the DIAC, in accordance with applicable rules.
6. The learned Sole Arbitrator would furnish to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
7. The learned Sole Arbitrator shall then proceed with the arbitral proceedings in accordance with the rules and regulations of DIAC and subject to arbitrator's fee and arbitration costs, as may be applicable.
8. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Sole Arbitrator on merits, in accordance with law.
9. A copy of this order be communicated *forthwith* to the Co-ordinator, DIAC, for information and compliance.



10. A copy of this order be sent by e-mail to the learned Sole Arbitrator, as also to learned counsel for the parties.
11. The petition stands disposed-of in the above terms.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 19, 2024/ak