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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 934/2024, I.A. 32473/2024, I.A. 37400/2024

BALASORE ALLOYS LIMITED

.....Petitioner

Through: Mr. Akhil Sibbal, Sr. Adv., Mr. Sandeep S. Ladda, Mr. Apoorv Shukla, Ms. Prabhleen Ashikla, Mr. Puneet Chahar, Ms. Sugandhjahi, Mr. Ridhie Bajaj, Adv.

versus

INDIA COKE AND POWER PRIVATE LIMITED & ANR.

.....Respondents

Through: Mr. Rajnish Sinha, Ms. Monika Bharati, Adv.
Mr. Shashwat Singh, Mr. Rahul Kanoujia, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

10.09.2024

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1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to adjudicate the disputes between the parties arising out of HSS Agreements dated 26.08.2019, 18.11.2019 and 16.04.2020, Buy-Back Agreements dated 13.04.2021 and 28.03.2022.
2. Mr. Singh, learned counsel appears for the respondent No. 1 and has no objection if the disputes arising out of the 5 agreements stated above are referred to a Sole Arbitrator.
3. At this stage, Mr. Sibbal, learned counsel for the petitioner on instructions does not press any claim against respondent No. 2 and hence the disputes between the petitioner and the respondent No. 1 arising out of the 5



agreements stated above are referred to arbitration.

4. For the said reasons, the petition is allowed and the following directions are issued:-

- i) Mr. Madan Bhimrao Lokur, (Retd. Judge) (Mob. No. 9868219007) 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 the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- 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 is left open for adjudication by the learned arbitrator.
- vi) The parties shall approach the learned Arbitrator within two weeks from today.

5. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

SEPTEMBER 10, 2024/NG