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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1174/2023

**SH KAMAL KUMAR PROPRIETOR OF M S AASTHA
ELECTRICALS**

..... Petitioner

Through: Mr. Rajat Asija, Mr. Neeraj Gupta,
Adv.

versus

M/S ENERGY EFFICIENCY SERVICES LTD

..... Respondent

Through: Mr. Vishal Arun, Ms. Rimmi
Bhardwaj, Mr. Sarthak Gaurav, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

17.05.2024

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1. This is a petition seeking appointment of an arbitrator arising out of the Letter of Award (LoA) dated 14.12.2017.
2. Since there were disputes between the parties, the petitioner invoked the arbitration *vide* legal notice dated 26.09.2023.
3. Since the disputes were pending, the present petition was filed and the notice was issued.
4. Mr. Vishal Arun, learned counsel for the respondent states that he has no objection to the appointment of the arbitrator, leaving all legal issues including the arbitrability of the claims as well as the counter-claims open to be adjudicated by the sole arbitrator.
5. Taking the submission on record and granting the liberty as prayed for by the respondent, the petition is allowed and the following directions



as issued:-

- i) Mr. Harkirat Sawhney, Adv. (Mob. No. 9810000381) 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'). The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) 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.
- v) The parties shall approach the learned Arbitrator within two weeks from today.

MAY 17, 2024 / (MS)

JASMEET SINGH, J

Click here to check corrigendum, if any