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

+ ARB.P. 1222/2023, I.A.23090/2023

SHREE HOSPITAL EQUIPMENTS THROUGH ITS PROPRIETOR
MR. DHANAJI BHATALE ALIAS DHANANJAY BHATALE

..... Petitioner

Through: Mr. Rajat Asija, Advocate.

versus

ACTION CONSTRUCTION EQUIPMENT LIMITED

..... Respondent

Through: Ms. Sangeeta Sondhi and Mr. Gorang
Goyal, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

04.01.2024

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1. A petition under Section 11 (5) & (6) of Arbitration and Conciliation Act, 1996 for appointment of Arbitrator has been filed on behalf of the petitioner.

2. It is submitted in the petition that the petitioner is a proprietor of Shree Hospital Equipments was awarded a Purchase Order No. ACE/ETH-MOE/FUR/SHP/PO-0006 dated 18.11.2018 for supply of Natural Science Laboratory Furniture. The total value of the Contract was Rs.18,95,00,000/-. The disputes arose inter-se the parties in respect of the Purchase Order. There is admittedly Arbitration Clause No.19 in the Purchase Order which is not disputed by the parties. Notice of Invocation was issued by the petitioner on 28.08.2023, but the parties were unable to appoint an Arbitrator. Hence, a request is made for appointment of a Sole Arbitrator.

3. Learned counsel for the respondent submits that in view of the



Arbitration Clause, she has no objection to the appointment of Sole Arbitrator, though liberty may be granted to the respondent to agitate all its differences before the learned Arbitrator.

4. Considering that there is a valid Arbitration Agreement between the parties and in the light of the facts and discussions, Ms. Mansi Sharma, Advocate, Mobile No. 9910201722, is hereby appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

5. The parties are at liberty to raise their respective objections before the Arbitrator.

6. This is subject to the Arbitrator making necessary disclosure as under Section 12(1) of A&C Act, 1996 and not being ineligible under Section 12(5) of the A&C Act, 1996.

7. The fees of the learned Arbitrator would be fixed in accordance with the Fourth Schedule to A&C Act, 1996 or as consented by the parties.

8. Learned counsels for the parties are directed to contact the learned Arbitrator within one week of being communicated a copy of this Order to them by the Registry.

9. A copy of this Order be also forwarded to the learned Arbitrator, for information.

10. The petition is accordingly disposed of in the above terms.

NEENA BANSAL KRISHNA, J

JANUARY 4, 2024/va