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

+ **ARB.P. 1229/2023**

**M/S INDIA ENGINEERS AND FABRICATION ..... Petitioner**

Through: Ms Kanika Singh, Mr Raghvendra Upadhyay, Ms Purnima Jain, Mr Tavdeep Singh, Mr Vaibhav Tripathi and Mr Nikhil Saini, Advs.

versus

**EVEREST INDUSTRIES LTD. .... Respondent**

Through: Mr Kaustubh Prakash, Ms Supriya Majumdar and Ms Prachi Bhatia, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**04.03.2024**

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1. This is a petition under Section 11 of the Arbitration & Conciliation Act, 1996 filed on behalf of the petitioner seeking appointment of an Arbitrator.
2. The parties state that since Mr Rakesh Kapoor, Former District & Sessions Judge is already adjudicating disputes between the parties on similar grounds, Mr Rakesh Kapoor may be appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
3. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-
  - i) Mr. Rakesh Kapoor, Former District & Sessions Judge (Mob. No. 9910384621) 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.
4. The petition is allowed and disposed of in the aforesaid terms.

**JASMEET SINGH, J**

**MARCH 4, 2024**

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[Click here to check corrigendum, if any](#)