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

+ **ARB.P. 1291/2023**

BHARAT HEAVY ELECTRICALS LIMITED Petitioner

Through: Mr. Samaksh Goyal, Advocate.

versus

MAXFLOW PUMPS INDIA PVT LIMITED Respondent

Through: Mr. Asit Tiwari, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

24.04.2024

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I.A. 24310/2023

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of accordingly.

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3. The petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, has been filed on behalf of the petitioner for appointment of sole arbitrator.
4. Learned counsel for the respondent submits that he has no objection to the matter be referred, subject to his rights and contentions including limitation, being permitted to be agitated before the learned Arbitrator.
5. *Vakalatnama* be filed on behalf of the respondent within two days, which shall be taken on record by the Registry.



6. Clause 32 of the GCC containing the arbitration clause reads as under:-

*“32. In the event of any dispute or difference arising out of execution of order/ contract or the respective rights and liabilities of the parties or in relation to interpretation of any provision by Seller/ Contractor in any manner touching upon order/ contract, such dispute or difference shall (except as to any matters, the decision of which is specifically provided for therein) **be referred to the arbitration of the person appointed by the competent authority of the Purchaser.***

Subject to the aforesaid, the provisions of the Arbitration and Conciliation Act, 1996 (India) or statutory modifications or re-enactments thereof and the rules made thereunder and for the time being in force shall apply to the arbitration proceedings under this clause. The venue of arbitration shall be at New Delhi.”

7. The parties have consented for a sole Arbitrator to be appointed by this Court.

8. Considering that there are disputes enable to Arbitration and there exist a valid Arbitration Clause, Ms. Yashmeet Kaur, Advocate, (M) 9810788943, is hereby appointed as the Arbitrator, to adjudicate the disputes between the parties.

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

10. The fees of the learned Arbitrator would be fixed in accordance with the IV Schedule to the Act, 1996 or as consented by the parties.

11. 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.



12. The appointment of the Arbitrator shall be governed by the rules framed by the DIAC, including the fees and the disclosure to be made by the learned Arbitrator in conformity of Section 12 of the Arbitration and Conciliation Act, 1996.

13. 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.

14. This Order is without prejudice to the rights and contentions of the parties, which they are at liberty to raise before the learned Arbitrator.

15. Accordingly, the petition is allowed and disposed of.

NEENA BANSAL KRISHNA, J

APRIL 24, 2024/RS