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

+ **ARB.P. 2054/2024**

4PEL SOLAR ENERGY PRIVATE LIMITEDPetitioner

Through: Ms. Sonam Gupta, Mr. S. Kapoor and
Mr. Shiva Pande, Advocates.

versus

NRI ACADEMY OF SCIENCESRespondent

Through: Mr. Vedansh Vashisht, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

30.04.2025

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1. This petition is preferred on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
2. Factual matrix to the extent necessary is that Petitioner and Respondent entered into an Agreement dated 15.11.2017 for setting up a Solar Power Plant in the premises of the Respondent. The electricity generated by the plant was to be purchased by the Respondent at a monthly consideration payable to the Petitioner. The plant was commissioned on 29.08.2018 and supply of electricity commenced. On 12.05.2022, corporate name of the Petitioner was changed to 4PEL Solar Energy Private Limited.
3. It is averred in the petition that between 08.05.2023 to 04.11.2024, 19 monthly invoices were raised by the Petitioner for payment of electricity



supply, but no payment was made and on 25.01.2024, Petitioner exercised its right to shut down the plant. On the same day, in breach of the Agreement, Respondent manually started the operation of the plant and disabled the remote monitoring and control mechanism to prevent the Petitioner from exercising its right to shut down the plant. As per the Petitioner, huge amounts were outstanding from the Respondent and accordingly, it invoked Clause 23.5.2 of the Agreement for appointment of an Arbitrator but there was no response from the Respondent.

4. Learned counsel appearing on behalf of the Respondent, on instructions, submits that Respondent has no objection to the appointment of a Sole Arbitrator by this Court.

5. Accordingly, with the consent of the parties, Mr. Justice Brijesh Sethi, former Judge of this Court (Mobile No. 9910384669) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

6. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference. Fee of the Arbitrator shall be as per Fourth Schedule of 1996 Act.

7. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open.

8. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 30, 2025/RW