



\$~53

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

+ **ARB.P. 257/2025, IAs 3081-82/2025**

INOX GREEN ENERGY SERVICES LIMITEDPetitioner

Through: Mr. Salil Sinha, Mr. Vipul Kumar
Sharma, Mr. Kushal Mishra, Ms. Stuti
Jain, Advocates.

versus

NILGIRI POWER PRIVATE LIMITEDRespondent

Through: Mr. Mayank Bhargava and Mr.
Rajdeep Saraf, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

06.02.2025

1. By way of present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks constitution of an Arbitral Tribunal comprising of two arbitrators and a presiding arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into an Operation and Maintenance Agreement dated 26.08.2014, Clause 22 of the Operation and Maintenance Agreement dated 26.08.2014 and Clause 10 of the Shared Services Order dated 26.08.2014 stipulates resolution of disputes through arbitration and further designates New Delhi to be the seat of arbitration.
3. He further states that disputes having arisen between the parties, a notice invoking arbitration dated 09.10.2024 was issued by the



petitioner to the respondent under Section 21 of the A&C Act, to which response has been received on 05.11.2024.

4. Learned counsel for the respondent submits that the respondent has also separately invoked arbitration and further submits that it has no objection to referring the disputes to arbitration.

5. Learned counsels for the parties, on instructions, submit that a sole Arbitrator be appointed instead of a panel of three as envisaged in the subject Agreement.

6. Considering that both the parties have consented to the reference of the disputes to the Arbitral Tribunal comprising of a sole Arbitrator, the present petition is disposed of with the following directions:-

- i) The disputes between the parties under the said agreement are referred to the Arbitral Tribunal.
- ii) Mr. Justice Hrishikesh Roy, former Judge Supreme Court of India (Mob:7578010196) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
- iii) 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 DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
- iv) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including on the existence and validity of the Arbitration agreement, arbitrability of any of the claim/counter claim, any other



preliminary objection, as well as contentions on merits of the dispute by either of the parties, are left open for adjudication by the learned arbitrator.

- vi) The parties shall approach the learned Arbitrator within two weeks from today.

MANOJ KUMAR OHRI, J

FEBRUARY 6, 2025/rd