

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
ARBITRATION CASE (CIVIL) NO.43 OF 2019

HARYANA VIDYUT PRASARAN NIGAM LIMITED

PETITIONER(s)

VERSUS

M/S. INABENSA BHARAT PVT.LTD. & ANR.

RESPONDENT(s)

WITH

ARBITRATION CASE (CIVIL) NO.42 OF 2019

O R D E R

The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of a sole Arbitrator as per clause 46.5 of the General Conditions read with clause 46 of the Particular Conditions of the contract dated 23.10.2013.

Heard learned counsel for the Petitioner. None appears for the Respondents, even though service has been effected on these parties. As per the track report of the Postal Authority, notice issued by the Supreme Court was delivered on 03.02.2020 on both the Respondents in the matters. The Counsel for the Petitioner has filed an Affidavit of dasti service on 12.12.2019, wherein it has been stated that Respondent No.2 has refused service. The service is complete as per the Office Report dated 2.11.2020.

Clause 46.5 of the Contract Agreement dated 23.10.2013 provides that the disputes will be settled in an international arbitration by the institution appointed in the Particular

Conditions ("PC"). PC 46 provides that all disputes arising in connection with the present Contract shall be finally settled by the International Chamber of Commerce, with the Seat at New Delhi.

We refer the matter to the ICC, International Court of Arbitration, having its office at Federation House, 11, Tansen Marg, New Delhi as the arbitral institution which would conduct the arbitral proceedings in the present case. We appoint Mr. Ciccu Mukhopadhyay, Senior Advocate, as the Sole Arbitrator. The parties are directed to move the Office of ICC India at New Delhi, at iccindia@iccindiaonline.org.

The petitions under Section 11 are accordingly disposed of in the above terms.

Pending applications if any, are disposed of accordingly.

.....J.
(INDU MALHOTRA)

.....J.
(AJAY RASTOGI)

New Delhi;
January 11 2021.

ITEM NO.44

Court 8 (Video Conferencing)

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Arbitration (Civil) No(s). 43/2019

HARYANA VIDYUT PRASARAN NIGAM LIMITED

Petitioner(s)

VERSUS

M/S. INABENSA BHARAT PVT. LTD. & ANR.

Respondent(s)

WITH

ARBIT.CASE(C) No. 42/2019 (XVI-A)
(IA No.146748/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-01-2021 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mrs. Geeta Luthra, Sr. Adv.
Ms. Shivani Luthra Lohiya, Adv.
Ms. Supriya Juneja, AOR
Ms. Cheshta Jetly, Adv.
Ms. Asmita Narula, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The petitions under Section 11 are accordingly disposed of in terms of the signed order.

Pending applications if any, are disposed of accordingly.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(DIPTI KHURANA)
COURT MASTER

(Signed order is placed on the file)