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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **ARB.P. 824/2018**  
**JAYASWAL NECO INDUSTRIES LTD**

Through: Mr.Ravi Bharuka & Mr.Rahul Pandey, Advs. .... Petitioner

versus

**GOYAL MG GASES PVT LTD**

Through: Mr.Simran Mehta & Mr.Vinay Juneja, Advs. .... Respondent

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

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**30.11.2018**

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Lease Agreement dated 19.06.2006.
2. The respondent had invoked the Arbitration Agreement earlier also and the disputes were referred to arbitration by an order dated 05.10.2016 passed by this Court in ARB. P. No. 369/2016.
3. By an order dated 06.11.2017 passed in OMP (T) (COMM) 90/2017 by this Court, the parties were directed to appear before the Delhi International Arbitration Centre (DIAC) with the direction that the DIAC shall appoint a Sole Arbitrator for adjudicating the disputes between the parties.
4. During the pendency of the said arbitration proceedings, upon the

termination of the Lease Agreement by the respondent, the petitioner invoked the Arbitration Agreement afresh vide its notice dated 08.08.2018. The respondent, however, by its reply dated 11.10.2018 refused to accede to the appointment of an Arbitrator.

5. The learned counsel for the respondent submits that he has no objection if the disputes are referred to the same Arbitrator who is already adjudicating the disputes pursuant to the earlier invocation. This suggestion is agreeable to the counsel for the petitioner as well.
6. In view of the above, I appoint **Hon'ble Justice V.B. Gupta**, Retired judge of this Court (R/o A-70, New Friends Colony, New Delhi-110025, Mobile: 9871300039) as the Arbitrator for adjudicating the disputes between the parties in relation to the above mentioned Lease Agreement.
7. The arbitration proceedings shall be held under the aegis of DIAC and DIAC Rules as to the procedure and fee shall apply to such proceedings.
8. The arbitrator shall give disclosure in terms of Section 12 of the Act before proceeding with the reference.
9. The parties shall be free to raise all claims and Counter Claims before the Arbitrator so appointed.
10. The petition is allowed in the above terms, with no order as to cost.

**NAVIN CHAWLA, J**

**NOVEMBER 30, 2018/rv**