

(2023) 03 SIK CK 0017
In the Sikkim High Court
Case No : Arbitration Petition No. 01 Of 2023

Aanuj Infraprojects Pvt. Ltd	Vs	APPELLANT
Union Of India And Anr.		RESPONDENT

Date of Decision : 17-03-2023

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 11

Citation : (2023) 03 SIK CK 0017

Hon'ble Judges : Biswanath Somadder, CJ

Bench : Single Bench

Advocate : E.R. Kumar, Abhishek Thakral, Rachhitta Rai, Sangita Pradhan, Natasha Pradhan

Final Decision : Disposed Of

Judgement

Biswanath Somadder, CJ

This is an application under section 11 of the Arbitration and Conciliation Act, 1996 (as amended till date), for appointment of an Arbitrator.

At the time of hearing of the matter, the learned Deputy Solicitor General of India submits, on instruction, that her client has no objection for appointment of a sole Arbitrator for adjudication of the disputes which may have arisen between the parties. However, she submits that the sole Arbitrator to be appointed should be an independent Arbitrator to be nominated by this Court and not based on the suggested names provided by the petitioner in the instant arbitration petition.

Considering the facts and circumstances of the instant case, this Court is of the view that the former Chief Justice of the erstwhile Andhra Pradesh High Court, which was situated at Hyderabad, Shri Justice Kalyan Jyoti Sengupta, may be appointed as the sole Arbitrator for adjudication of the disputes which may have arisen between the parties. It will be open to the learned Arbitrator to select the venue of arbitration and also determine his fees as well as the required fees/charges for secretarial assistance. The learned Arbitrator may initiate the arbitral

proceedings as expeditiously as possible, preferably within a period of 4 (four) weeks from date of communication of a photostat certified copy of this order.

Since no filing of affidavits were called for, allegations made in the instant arbitration petition shall be deemed to have been not admitted by the respondent.

The application is, accordingly, disposed of.