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ITEM NO.401 COURT NO.11 SECTION XVIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
ARBITRATION PETITION NO. 7 OF 2012

ZEMAN TECHNOGOURP LTD.TR.ATTORNEY HOLDER Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for interim injunction)

Date: 01/04/2013 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. A.K. Vali, Adv.
Mr. R.N. Keshwani, Adv.
Mr. Ram Lal Roy, Adv.
Mr. Guneet Chaudhary, Adv.

For Respondent(s) Mr. Paras Kuhad, ASG
Mr. R. Balasubramanyan, Adv.
Mr. Aljo K. Joseph, Adv.
Mr. B.V. Balaram Das, Adv.

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

Pursuant to the suggestion made by this Court on 18th February, 2013, the Union of India has nominated Mr. Justice H.R. Malhotra, a former judge of the Delhi High Court as Arbitrator. Mr. Keshwani, learned counsel appearing for the petitioner, states that the petitioner had already nominated Mr. K.C. Gangwal as Arbitrator. He further submitted that in terms of the arbitration clause, the third Arbitrator has to be nominated by the President of International

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Chamber of Commerce, Paris. He submits that such process, if followed, is likely to further delay the final disposal of the arbitration proceedings. He submits that the petitioner voluntarily submits to the jurisdiction of this Court and prays that the third Arbitrator be nominated, here and now, in these proceedings.

Having considered the entire matter, I am of the opinion that once the parties have agreed to a particular procedure in the agreement, this Court would normally adhere to the same, unless it becomes necessary to deviate from the same, under some compelling and exceptional circumstances which may be pointed out by the parties. Here, Mr. Kuhad has pointed out that before the parties approach the President of International Chamber of Commerce, Paris, they are required to make an effort to nominate

the third Arbitrator themselves, within a period of 90 days. That appears to be the provision contained in the Arbitration clause. Let this matter be adjourned for two weeks to enable the parties to have an opportunity to arrive at a consensus with regard to the third Arbitrator.

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Put up for further orders on 15th April, 2013 after normal work of the Division Bench is over.

|(VINOD LAKHINA) | |(INDU BALA KAPUR) |
|COURT MASTER | |COURT MASTER |