

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
Petition for Arbitration (Civil) No.3/2020**

SCHLUMBERGER ASIA SERVICES LTD.

Petitioner(s)

VERSUS

OIL AND NATURAL GAS CORPORATION LIMITED

Respondent(s)

O R D E R

Heard learned counsel appearing for the parties and carefully perused the material available on record.

This Court issued notice in the matter on 24-1-2020.

The present Arbitration Petition is preferred by the petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking a direction from this Court for the appointment of a nominee arbitrator on behalf of the Respondent as the Respondent is reported to have waived its right to do so.

The parties entered into a contract whereby the petitioner was hired to provide services to the respondent. The contract provides for arbitration in case of any dispute.

Due to dispute having arisen between the parties, the petitioner invoked the Arbitration Agreement contained in Clause 27 of the General Conditions of the Contract and appointed Hon'ble Dr. Justice M.K. Sharma (Former Judge, Supreme Court of India) as their nominee arbitrator and the petitioner called upon the Respondent to appoint their nominee arbitrator. The Respondent is reported to have neither replied to the letter invoking arbitration of the petitioner nor appointed their nominee arbitrator.

When the matter came up for hearing on 26.10.2021, learned counsel appearing for the respondent submitted that they have nominated Hon'ble Mr. Justice Suresh Kantilal Shah as co-arbitrator.

However, both the learned counsel request this Court to appoint the Presiding Arbitrator.

Having heard learned counsel for the parties and taking into consideration the nature of controversy involved in the present Arbitration Petition, we appoint Hon. Dr. Justice Arijit Pasayat, a former Judge of this Court, as the Presiding Arbitrator to adjudicate the dispute between the parties. The Arbitral Tribunal will proceed with the matter after complying with the provisions of Section 12 of the Arbitration and Conciliation Act, 1996.

The Presiding Arbitrator shall have the liberty to fix his own remuneration and the place of arbitration in consultation with other two Arbitrators.

The Arbitration Petition stands allowed in the above terms.

The Registry is directed to communicate the instant order to the learned Presiding Arbitrator.

.....CJI
(N.V. RAMANA)

.....J.
(SURYA KANT)

.....J.
(HIMA KOHLI)

NEW DELHI;
DECEMBER 13, 2021

