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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P. (I) (COMM.) 31/2016 & I.A. No.1286/2016

GEE CAB INDUSTRIES LTD. Petitioner
Through Mr.Rajat Aneja, Adv. with Ms.Shifa
Nagar, Adv.

versus

NORTHERN RAILWAYS Respondent
Through Mr.Arun K. Sharma, Adv. with
Mr.S.S.Ganwar, Adv.

+ ARB.P. 228/2016

GEE CAB INDUSTRIES LTD. Petitioner
Through Mr.Rajat Aneja, Adv. with Ms.Shifa
Nagar, Adv.

versus

NORTHERN RAILWAYS Respondent
Through Mr.Arun K. Sharma, Adv. with
Mr.S.S.Ganwar, Adv.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **24.05.2016**

The above mentioned two petitions have been filed by the petitioner, first under Section 9 of Arbitration & Conciliation Act, 1996 and second under Section 11 of the Act.

On 5th February, 2016 the interim order was passed in favour of the

petitioner.

Today counsel for the respondent states that as far as prayer made in the arbitration petition is concerned, the Arbitrator be appointed by this Court to adjudicate the disputes between the parties.

With regard to petition filed under Section 9 of the Act, counsel for the respondent states that the same be treated as application under Section 17 of the Act and if possible the application be decided within 90 days.

In view of the above, Mr.P.K. Saxena, (Retd. ADJ) (Mobile No.9910384668) is appointed as sole Arbitrator to adjudicate the disputes between the parties. The parties are also allowed to file their respective claims and counter-claims before the Arbitrator. Liberty is granted to the respondent to raise all the grounds as mentioned in the reply to the petition.

As far as Section 9 petition being O.M.P.(I) (Comm) 31/2016 is concerned, the interim order passed by this Court on 5th February, 2016 shall continue. The said petition be treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 by the learned Arbitrator. The petitioner to file the copies of pleadings before the Arbitrator within two weeks. Reply and rejoinder to this petition be filed by the parties directly before the Arbitrator. The sole Arbitrator if possible to decide the same within the period of 90 days from the date of commencement of proceedings.

The arbitration shall take place under the aegis of Delhi International Arbitration Centre ('DAC'). The Arbitrator shall ensure the compliance of the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fees of the learned Arbitrator shall be in terms of the Delhi International Arbitration Centre (Administrative

Cost Arbitrator's Fees) Rules.

Both the petitions along with pending applications are accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the parties and a copy thereof be delivered to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

MANMOHAN SINGH, J.

MAY 24, 2016/vp