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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) No.1986/2015, CM No.18480/2016 (under Sections 5&8 of the Arbitration and Conciliation Act, 1996) & CM No.3560/2015 (for stay).

M/S. SUPREME ROAD TRANSPORT PVT. LTD Petitioner
Through: Mr. Ashish Mohan, Mr. Mohit Kumar
and Mr. Chetan Wahi, Advs.

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Hashmat Nab, Adv. with Mr.
Manoj Kumar Sharma, Sr. DCM and
Mr. Vijay Kumar Sharma, CLA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.05.2016

1. This order is in continuation of the earlier order dated 10th May, 2016.
2. The respondent Railways since then have filed a counter affidavit as well as CM No.18480/2016 under Sections 5 & 8 of the Arbitration and Conciliation Act, 1996 for reference of the disputes subject matter of this petition to arbitration.
3. In compliance with the directions in the order dated 10th May, 2016 Mr. Manoj Kumar Sharma, Senior Divisional Commercial Manager, Delhi of the respondent Railways is present and has been apprised of the neglect in conduct of this case and some other cases and has been requested to take remedial action and assures the Court that in future the cases by or against the respondent Railways shall be conducted diligently.

4. The counsel for the petitioner states that in view of the contents of the counter affidavit of the respondent Railways, the petitioner, without prejudice to its rights and contentions is agreeable to have the disputes subject matter of this petition referred to arbitration. He however states that as per the arbitration clause the arbitrator is to be appointed by the General Manager of Northern Railways and has to be a gazetted officer of the Railways who has not dealt with the dispute. He contends that under the Arbitration Act as amended w.e.f. 23rd October, 2015 the arbitrator should be an independent person and requests for an arbitrator to be appointed by this Court for the sake of expediency.

5. The counsel for the respondent under instructions has left the matter to this Court.

6. In view of judgment dated 29th April, 2016 of this Court in Arb.P. No.677/2015 titled *Assignia-VIL-JV Vs. Rail Vikas Nigam Ltd.*, it is deemed expedient to accede to the request of counsel for petitioner.

7. Accordingly, the parties are referred to the arbitration of the Delhi High Court Arbitration Centre (DHCAC) and I appoint Dr. Amit George, Advocate as the Arbitrator.

8. Needless to state the arbitration shall be governed by the Rules of the DHCAC.

9. A copy of this order be forwarded to Dr. Amit George, Advocate who is requested to commence arbitral proceedings at the earliest.

The petition is disposed of.

RAJIV SAHAI ENDLAW, J

MAY 17, 2016/‘pp’..
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