

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

6.

+

ARB.P. 710/2016

BALAJI RAILROAD SYSTEMS PRIVATE LTD. Petitioner
Through: Ms. Neelima Tripathi and Ms. D.D.
Majumdar, Advocates.

versus

RAIL VIKAS NIGAM LTD. Respondent
Through: Mr. Saurabh Mishra and Mr. Dhanraj,
Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

21.12.2016

%

1. This petition by Balaji Railroad Systems Private Ltd. under Section 11 (5) of the Arbitration and Conciliation Act, 1996 is to seek the appointment of an Arbitrator to adjudicate the disputes between the parties arising out of seven separate contracts executed for the carrying out of bankability studies in respect of seven distinct projects.
2. Learned counsel for the parties have been heard. The existence of arbitration clause in the respective contracts is not in dispute.
3. This Court accordingly proposes Mr. S. K Sarvaria, a former Additional District Judge, Delhi (Mob. No.9910384642) as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claim (other than the issue of placing the Petitioner on the list of poor performers).

4. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

5. In the first instance, the proposed Arbitrator will make a disclosure to the DAC in terms of Section 11 (8) read with Section 12 (1) of the Act and, thereafter, enter upon reference. DAC will provide to the parties copies of the said disclosure. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions. Subject to the compliance of the above directions the learned Arbitrator will proceed in the matter after service of notice on the parties.

6. The petition is disposed of. A copy of this order be communicated to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

S. MURALIDHAR, J

DECEMBER 21, 2016

dn