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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6228/2013**

STEEL AUTHORITY OF INDIA & LTD. Petitioner
Through: Dr. Ashwani Bhardwaj, Advocate with
Mr. Ashwani Bhalla, AGM (Legal).

versus

CEMENT CORPORATION OF INDIA & LTD. Respondent
Through: Mr. Jainendra Maldahiyar, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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21.02.2017

1. The present petition has been filed by the petitioner praying *inter alia* for quashing the award dated 17.04.2013 made by the Joint Secretary and Arbitrator, Permanent Machinery of Arbitration, Department of Public Enterprise, New Delhi whereunder a part of the claims filed by the petitioner against the respondent, have been allowed.
2. On 31.1.2017, Dr. Bhardwaj, learned counsel for the petitioner had drawn the attention of the court to a recent decision of the Supreme Court in the case of M/s Northern Coalfield Ltd. vs. Heavy Engineering Corp. Ltd. & Anr. reported as **2016 (6) SCALE 820**, wherein it has been held that if an award passed under the Permanent Machinery for Arbitration for Settlement of Disputes between Statutory Corporations is not acceptable by either side, then the parties ought to be relegated either to arbitration or an appropriate civil forum for settlement of their disputes. He had stated that the petitioner is unwilling to accept the impugned award and therefore this court may appoint an Arbitrator to adjudicate afresh, the claims raised by the petitioner.

As none was present on behalf of the respondent on the said date, the matter was adjourned.

3. Subsequently, counsel for the respondent had appeared and sought time to obtain instructions from his clients as to whether they wish to opt for arbitration as an alternate mode of settling their disputes with the petitioner.

4. Today, learned counsel for the respondent states on instructions that his clients are ready and willing to submit themselves to arbitration and this court may appoint an independent arbitrator to adjudicate the claims raised by the petitioner.

5. Accordingly, with the consent of the parties, the impugned Award dated 17.04.2013 is quashed and set aside. Justice Vijender Jain (Retd. Chief Justice, Punjab & Haryana High Court), is appointed as a Sole Arbitrator to adjudicate upon the disputes raised by the petitioner against the respondent, subject matter of the impugned award. The learned Sole Arbitrator is requested to commence the arbitration proceedings from the point of completion of the pleadings qua the claim petition filed by the petitioner. The parties shall appear before the learned Sole Arbitrator on 17.03.2017 at 3:30 PM, for taking further steps.

6. The petition is disposed of.

7. A copy of this order be forwarded forthwith by the Registry to the learned Sole Arbitrator for information.

DASTI to the parties.

HIMA KOHLI, J

FEBRUARY 21, 2017

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