

\$~38

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

%

Judgment delivered on: 17.03.2017

+ W.P.(C) 10830/2016 & CM No.42479/2016 (stay)

M/S CEMENT CORPORATION OF INDIA OF INDIA LTD.

..... Petitioner

versus

M/S STEEL AUTHORITY OF INDIA

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. Kailash Prashad Pandey, Advocate.

For the Respondent:

Dr. Ashwani Bhardwaj, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

17.03.2017

SANJEEV SACHDEVA, J. (ORAL)

1. The present petition has been filed by the petitioner praying inter alia for quashing the award dated 30.01.2012 and the appellate award dated 20.04.2016.

2. On 18.11.2016, 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 submitted 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.

3. 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.

4. Accordingly, with the consent of the parties, the impugned Award dated 30.01.2012 and the appellate award dated 20.04.2016 are 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 awards. The learned Sole Arbitrator is requested to commence the arbitrator 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 28.03.2017 at 3.30 PM, for taking further steps.

5. The petition is disposed of.

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

7. *Dasti* under signatures of court master.

SANJEEV SACHDEVA, J

March 17, 2017
st

