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

+ **ARB.P. 375/2019**

M/S RAJ SOLUTION (INDIA) PVT. LTD. Petitioner
Through: Ms.Meenakshi Midha, Adv.

versus

RAILTEL CORPORATION OF INDIA LTD. Respondent
Through: Mr. J. K. Singh, Adv. with
Mr. Saurabh Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% 16.09.2019

This is a petition filed by the petitioner under Section 11(6) of the Arbitration & Conciliation Act, 1996 for appointment of an Arbitrator.

After hearing the counsel for the parties, it is noted that the only grievance of the petitioner is that in terms of the stipulation, for appointment of an Arbitrator, if the value of the claim or amount under dispute is more than Rs.10 lacs, which is in this case, the matter shall be referred to the adjudication of arbitral council. Chairman and Managing Director RAILTEL shall furnish a panel of three names to the contractor, out of which, the contractor will recommend one name to be his nominee and then Chairman and Managing Director RAILTEL shall appoint out of the panel one name as RAILTEL nominee and these two Arbitrators with mutual consent shall appoint third arbitrator.

It is the submission of the learned counsel for the petitioner that the

stipulation to forward names of three Arbitrators to the petitioner to nominate one as its nominee, is untenable in view of the judgment reported in ***AIR 2017 SC 939 Voestalpine Schienen GmbH v. Delhi Metro Rail Corporation Ltd***, She submitted, the respondent was required to furnish the complete panel of arbitrators to the petitioner to enable the petitioner nominate its nominee Arbitrator. In this regard, she has drawn my attention to paras 26 and 27 of the judgment.

Mr. Singh, learned counsel for the respondent does concede to the fact that the respondent has recently prepared a list of Arbitrators consisting around 15 names. He states that the respondent shall give the said list to the petitioner to enable the petitioner nominate one as its nominee Arbitrator. If that be so, the petition is disposed of, directing the respondent to give the list consisting of around 15 names to the petitioner within 10 days. On receipt of the same, the petitioner shall nominate one Arbitrator from the said list within one week thereafter. The respondent shall also nominate their Arbitrator from the said list and both the Arbitrators shall nominate a third Arbitrator.

V. KAMESWAR RAO, J

SEPTEMBER 16, 2019/ak