

\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 221/2020, I.A. 7370/2020**

M/S JMC CHEC JOINT VENTURE Petitioner
Through: Mr. Manoj K. Singh, Adv. with
Ms. Gunita Pahwa & Ms. Apoorva
Vashishtha, Advs.

versus

DELHI METRO RAIL CORPORATION Respondent
Through: Mr. Tarun Johri, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **26.08.2020**

This matter is being heard through video-conferencing.

I.A. 7370/2020 (by petitioner seeking exemption from filing notarized affidavits / rejoinder)

For the reasons stated in the application, the same is allowed and the petitioner is exempted from filing notarized affidavits / rejoinder.

Application stands disposed of.

ARB.P. 221/2020

This petition has been filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996 with the following prayers:

“In view of the above submissions the Petitioner humbly prays before this Hon'ble Court that the Hon'ble Court may be pleased to:

- i. Appoint an Arbitrator on behalf of the Respondent, for adjudication of disputes / claims between the Petitioner and the Respondent arising out of the Contract Agreement dated 21.06.2012;*
- ii. Pass any such orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”*

2. At the outset, Mr. Manoj K. Singh, learned counsel appearing for the petitioner submits that the petitioner has taken concurrence of Justice K.S.P. Radhakrishnan, a Retired Judge of the Supreme Court to be nominated as an Arbitrator. Mr. Tarun Johri, learned counsel appearing for the respondent states that he has instructions to contend that the respondent is agreeable to nominate Justice Madan B. Lokur, a Retired Judge of the Supreme Court, who is on the panel of the Arbitrators maintained by Delhi Metro, as an Arbitrator.

3. At this stage, Mr. Singh has also suggested the name of Justice Vikramajit Sen, a Retired Judge of the Supreme Court to act as Presiding Arbitrator, to which Mr. Johri has agreed to.

4. Hence, the petition is disposed of by holding that the constitution of the Arbitral Tribunal to adjudicate the disputes and differences between the parties shall be as under:

1. Justice Vikramajit Sen, a Retired Judge of the Supreme Court as Presiding Arbitrator.
2. Justice K.S.P. Radhakrishnan, a Retired Judge of the Supreme Court as Arbitrator.
3. Justice Madan B. Lokur, a Retired Judge of the Supreme Court as Arbitrator.

5. Let a copy of this order be sent to the learned Arbitrators. Counsel for the parties are also at liberty to communicate this order to the learned Arbitrators.

Petition stands disposed of.

V. KAMESWAR RAO, J

AUGUST 26, 2020/jg