

\$~29(Original Side)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ ARB.P. 40/2021, I.A. 11503/2021&I.A. 11504/2021
AKASH BUILDERS THRU. A.R. Petitioner
Through: Mr. Amit Dubey, Adv.

versus

UNION OF INDIA THRU SR.DEN -WORKS NORTHERN
RAILWAY Respondent
Through: Mr. JK Singh, Standing
Counsel for Railway with Mr.
Amit Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)

13.09.2021

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(Video-Conferencing)

1. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ("the 1996 Act" in short), for appointment of an arbitrator, to arbitrate on the disputes between the parties.

2. Though Mr. Singh, learned Counsel for the respondent, had initially opposed the reference of disputes to arbitration, on the last date of hearing, i.e. on 9th September, 2021, however, in view of the order passed in *ABC Experts & Engineers v Union of India*¹, he agreed to a reference of disputes to arbitration, leaving open, all contentions that his client might seek to urge in its support in the arbitral proceedings.

3. Mr. Singh, has, thereafter, placed on record, the list of arbitrators maintained by the respondent, out of which, Mr. Dubey,

¹ MANU/DE/1700/2021

learned Counsel for the petitioner had, on instructions, agreed to select the arbitrator to arbitrate on the various disputes.

4. Mr. Dubey has, thereafter, on instructions, agreed to arbitration of the disputes in this petition, by Mr. Shahzad Shah, IRAS (Retd.), who figures at Serial No. 52, of the list of arbitrators maintained by the respondent.

5. Accordingly, the disputes between the parties stand referred to Mr. Shahzad Shah, for arbitration.

6. This court does not express any view on the contentions involved in this matter, and all contentions of fact and law including the arbitrability of the dispute shall remain open to be urged and contested by both sides before the learned Arbitrator.

7. The learned Arbitrator would be entitled to fees, in accordance with the Fourth Schedule of the 1996 Act or as otherwise agreed upon between the parties.

8. The learned Arbitrator would furnish the requisite disclosure under Section 12(2) of the 1996 Act, within a week of entering on reference.

9. With the aforesaid directions, this petition stands disposed of.

C.HARI SHANKAR, J

SEPTEMBER 13, 2021

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