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

% Judgment delivered on: 26th April, 2022

+ ARB.P. 165/2022

M/S PRADEEP VINOD CONSTRUCTION CO. Petitioner

versus

UNION OF INDIA

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. S.W. Haider, Advocate

For the Respondent: Mr. Om Prakash, Advocate for UOI (through VC)

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Petitioner seeks appointment of an Arbitral Tribunal pursuant to a Contract Agreement dated 05.09.2013.
2. Learned counsel for the petitioner submits that the disputes arising out of the said agreement were referred to an Arbitral Tribunal and the Arbitral Tribunal rendered an award dated 01.10.2018.
3. Learned counsel submits that the objections to the award were sustained and the award was set aside by order dated 06.10.2021. In those circumstances, fresh arbitration has been invoked and

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accordingly the disputes are required to be referred to an Arbitral Tribunal.

4. Learned counsel for the respondent prays for an adjournment. He submits that reply has been drafted and sent for signatures.

5. It is observed that the notice was issued on 10.02.2022 and thereafter on 14.03.2022 respondent had appeared and sought time to file reply and the permission was granted and the reply was to be filed within three weeks. However, till date reply has not been filed.

6. Furthermore in view of the fact that the parties were earlier referred to arbitration and even an award was passed, though set aside under Section 34 of the Arbitration & Conciliation Act, 1996. It is a fit case where reference should once again be made to an Arbitral Tribunal.

7. In view of the above, with the consent of the parties, Mr. Vinod Jain, former District Judge, Punjab (Phone # 91 94681 78585) is appointed as the Arbitrator Tribunal. The Arbitral tribunal shall entertain the claims and counter claims, if any, of the parties.

8. The fees of the learned Arbitrator shall be as per the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

9. The Arbitrator shall furnish the requisite disclosure under



section 12 of the Arbitration and Conciliation Act, 1996 within two weeks of entering reference.

10. The petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

APRIL 26, 2022

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