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

% Judgment delivered on: 28th April, 2022

+ ARB.P. 257/2019

M/S A.K.G INFRA STRUCTURE

..... Petitioner

versus

UNION OF INDIA THROUGH THE GENERAL
MANAGER, NORTHERN RAILWAYS

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Ramnit Singh, Advocate (through VC)

For the Respondent: Mr. Himanshu Upadhyaya, Advocate for UOI

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Petitioner seeks reference of disputes to an Arbitral Tribunal in terms of Contract Agreement dated 20.02.2014.

2. Learned counsel for the respondent submits that the contention of the respondent is that agreement has been superseded by the supplementary agreement. However, without prejudice to their rights and contentions, they have no objection to the disputes being referred to a Sole Arbitral Tribunal reserving the right of the respondent to

ARB.P. 257/2019

Page 1 of 2



raise a counter claim and raise all admissible disputes in law.

3. Since the parties are agreeable to reference of their disputes to arbitration, the petition is allowed.

4. With the consent of the parties and without prejudice to their rights and contentions, Mr. Justice A.K. Pathak, former Judge of this Court (Mobile # +91 9910384602; email: pathakak57@gmail.com) is appointed as the Sole Arbitrator to adjudicate the claims and counter-claims, if any, of the parties.

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

6. The Arbitrator shall furnish the requisite disclosure under section 12 of the Arbitration and Conciliation Act, 1996 within two weeks of entering reference.

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

8. The next date of 29.04.2022 is cancelled.

SANJEEV SACHDEVA, J

APRIL 28, 2022

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