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

+ **ARB.P. 352/2023**

DAPL-ABC-JV

..... Petitioner

Through: Mr. Saurabh Mishra, Mr. Shrimay Mishra and Ms. Aashnaa Bhatia, Advocates.

versus

CONTAINER CORPORATION OF INDIA LTD (CONCOR) AND ANR.

..... Respondents

Through: Mr. Ashutosh Kumar Shukla and Ms. Aasha Nand Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

09.02.2024

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1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to adjudicate the arbitration proceedings.
2. It is stated by Mr. Shrimay Mishra, learned counsel for the petitioner that the present dispute arises out of a Letter of Acceptance dated 27.03.2014, wherein the petitioner was granted for development of CC Block Pavement by dismantling of the hilly portion of R&D area opposite to Tehkhand at ICD, Tughlakabad, New Delhi. The arbitration clause is contained in the GCC. Pursuant to the terms of the Arbitration Agreement, the respondent no.2 suggested a panel of arbitrators, out of which, the respondent no.1 selected a panel of three arbitrators.
3. During the course of arguments, the parties arrived at consensus and are agreeable to appointment of sole arbitrator to be appointed by this Court.
4. With the consent of the parties, the following directions are issued:
 - i) Ms. Beenashaw Soni, Advocate (Mob. No. 9810046611) is



appointed as a Sole Arbitrator to adjudicate the disputes between the parties.

- ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
 - iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
 - iv) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
 - v) The parties shall approach the learned Arbitrator within two weeks from today.
5. Since fees has been paid by the parties to the respondent no.2 for arbitration proceedings and no proceedings have taken place, the respondent shall refund the fees paid by the parties less any administrative charges.
6. The petition is allowed and disposed of in the aforesaid terms.

FEBRUARY 9, 2024/ssc

JASMEET SINGH, J

Click here to check corrigendum, if any