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

+ ARB.P. 356/2024

+ ARB.P. 357/2024

M/S GORKI CONTRACTORS AND ENGINEERS Petitioner

Through: Mr. Ajay Garg,, Ms. Tripti Gola, Mr.
Uday Garg, Ms. Chingdeihat
Chongloi, Ms. Surbhi, Mr. Prashant
Gola, Advs.

versus

MTNL AND ORS

..... Respondents

Through: Mr.Vikalp Mudgal, Mr. Arun Sanwal,
Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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13.03.2024

I.A. 5810/2024(exemption) in ARB.P. 356/2024

I.A. 5811/2024(exemption) in ARB.P. 357/2024

Exemptions are allowed subject to all just exceptions.

ARB.P. 356/2024 and ARB.P. 357/2024

1. By way of present petitions filed under Section 11(6)(B) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into an Agreement dated 08.08.2020. Clause – 8 and 9 of the said agreement provides that disputes with respect to the agreement shall be resolved through arbitration as per provisions of A&C Act. It



further provides that place of arbitration would be at New Delhi.

3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 18.09.2023, issued under Section 21 of the A&C Act.
4. Issue notice.
5. Mr. Mr.Vikalp Mudgal, learned counsel for the respondent has accepted the notice.
6. Considering that both the parties have consented to the reference to the arbitral tribunal, the present petition is disposed of with the following directions:
 - i)The disputes between the parties under the said agreement are referred to the arbitral tribunal.
 - ii)As agreed by both the counsels for the parties, Mr. Arun Kumar Jain, Former ED Finance (E9), (TCIL) Mobile No.9868393747 is appointed as an Arbitrator to adjudicate the disputes between the parties in both the petitions..
 - iii)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 Schedule IV of the A&C Act.
 - iv)The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
 - v)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.

vi) The parties shall approach the learned arbitrator within two weeks from today.

6. The petitions are disposed of in the above terms.

DINESH KUMAR SHARMA, J

MARCH 13, 2024

Pallavi