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

+ **ARB.P. 373/2024**

TAURANT PROJECTS LTD.

..... Petitioner

Through: Ms. Muskan Tandon, Adv.

versus

GAIL INDIA LTD. AND ANR

..... Respondents

Through: Mr. Nikhilesh Krishnan, Mr. Jai Pratap, Ms. Ritika Priya, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.04.2024

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1. By way of the present petition filed under Section 11(6) 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. M/s Gail Gas Limited i.e., respondent No. 2 is wholly owned subsidiary company of M/s Gail (India) Ltd. (respondent No.1) invited bids for the project from bidders for the subject work / services as detailed in the invitation for bid document dated 10.02.2018. As per procedure, Respondent No.2 issued letter of acceptance to the petitioner dated 29.05.2018 for and on behalf of respondent No.1.
3. Subsequently the dispute arose between the parties. The petitioner



invoked the dispute resolution clause-59 of SCC and in continuation conciliation proceedings were invoked as per Gail India Ltd. i.e., Conciliation Rules 2010. The select advisory committee was also appointed. However, the parties failed to reach on any settlement.

4. During the course of submissions, learned counsel for the petitioner submits that respondent No.2 was merely an agent of respondent No.1 and as per instructions they do not want to proceed against respondent No.2 and they may be deleted from the array of the parties. Hence Respondent No.2 is deleted from the array of the parties.
5. Respondent No.1 has filed a detailed reply raising several objections to the petitioner. However, learned counsel for the respondent submits that a Sole Arbitrator may be appointed out of the names proposed in the reply.
6. Learned counsel submits that there are also certain counter claims of the respondent No.1 which have duly been mentioned in the reply and the liberty may be given to the respondent to raise those counter claims before the learned Arbitrator.
7. It is made clear that all the contentions of the parties have been left open to be agitated before the learned Arbitrator.
8. 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) Hon'ble Mr. Justice Hemant Gupta, (Mobile No. 9780008108) former Judge, Supreme Court of India is appointed as an



Arbitrator to adjudicate the disputes between the parties.

- iii) The arbitration will be held under the aegis of the India International Arbitration Centre, Plot no 6, Vasant Kunj Institutional Area, Mahipalpur, New Delhi, Delhi 110070, referred to as the 'IIAC'). The remuneration of the learned Arbitrator shall be in terms of fee rules of the IIAC Schedule or as the parties may agree.
- 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 claims, 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.

DINESH KUMAR SHARMA, J

APRIL 8, 2024/AR..