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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 97/2024, I.A. 7216/2024, I.A. 31739/2024
M/S VELOCIS SYSTEM PVT LTDPetitioner

Through: Mr. Rajesh Mohan Sinha, Mr. Prateek
Mohan Sinha, Ms. Nandini Harlu,
Ms. Namita Sinha, Advs.

versus

CONTAINER CORPORATION OF INDIA LTDRespondent
Through: Mr. Sanjay Jain, Sr. Adv. with Mr.
RK Joshi, Mr. Ojusya Joshi, Ms.
Harshita, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
06.09.2024

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1. This is a petition under Section 9 of the Arbitration and Conciliation Act, 1996 seeking restrain against the respondent from terminating, blacklisting and imposing penalty *qua* purchase order No. CON/IT/2547 dated 17.12.2020.
2. It is agreed that since no interim orders were granted earlier, the bank guarantee has already been encashed.
3. The parties agree that an Arbitrator be appointed by this court to adjudicate the dispute between the parties and all the claims/counter-claims, including application under Section 17 of the Arbitration and Conciliation Act, 1996, be permitted to be filed before the Arbitrator.
4. In view of the above, the petition is disposed of with the following



directions:

- i) With consent of parties, Justice Mukta Gupta (Retd.) (Mob. No. 9650788600) 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 DIAC fee schedule.
- 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/counter-claims and 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.

JASMEET SINGH, J

SEPTEMBER 6, 2024/DM

Click here to check corrigendum, if any