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

+ **O.M.P.(I) (COMM.) 112/2024** (*disposed of*)

M/S JAI AMBEY CONSTRUCTION CO.Petitioner

Through: Ms. Amrita Panda, Mr. Udbhav
Gady, Advocates.

versus

UNION OF INDIARespondent

Through: Ms. Shashank Bajpai, CGSC with
Ms. Stuti Karwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.08.2024**

I.A. 35986/2024 (*for directions*)

1. This petition, under Section 9 of the Arbitration and Conciliation Act, 1996 [“the Act”], was disposed of on 15.04.2024, with the following directions:

“7. With the consent of learned counsel for the parties, the petition, alongwith pending applications, is disposed of with the following directions:

A. The disputes between the parties are referred to arbitration under the aegis of Delhi International Arbitration Centre, Shershah Road, New Delhi-110503 [DIAC]. DIAC is requested to nominate a person having a degree in Engineering or equivalent from its panel to serve as the sole arbitrator.

B. The arbitration will be governed by the Rules of DIAC, including as to the remuneration of the learned arbitrator.

C. The learned arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering

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upon the reference.

D. The present petition will be treated as an application under Section 17 of the Act before the learned arbitrator.

E. The respondent may file its reply to the application within two weeks from today or immediately upon the learned arbitrator entering into reference, whichever is later.

F. The parties may request the learned arbitrator to consider the Section 17 application expeditiously, at least for the purpose of interim orders.”

2. The petitioner has now filed this application stating that neither the arbitration nor the application under Section 17 of the Act, have proceeded, as Delhi International Arbitration Centre [“DIAC”] has not yet appointed an arbitrator.

3. The correspondence placed on record shows that DIAC had directed the petitioner to file its statement of claims *vide* a communication dated 01.07.2024. The petitioner is yet to file the same. Ms. Amrita Panda, learned counsel for the petitioner, states that the petitioner will file the statement of claims within three weeks from today. It is so directed.

4. Learned counsel for the parties have also agreed that the arbitration may be conducted by one of the persons from a list forwarded by the learned counsel for the respondent to the learned counsel for the petitioner. At their request, Mr. Nand Lal Singh, Spl. D.G. [Tel: 9830121650, [e-mail: nlsingh3@gmail.com](mailto:nlsingh3@gmail.com)], is appointed to act as the arbitrator. The learned arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference. As already decided, the arbitration will be governed by the Rules of DIAC, including as to the remuneration of the learned arbitrator.

5. As the petitioner seeks urgent interim orders, and it has already



been more than three months since the matter was referred to arbitration, DIAC and the learned arbitrator are requested to act expeditiously so that the first hearing of the application under Section 17 of the Act, can be held within the next four weeks.

6. The application stands disposed of.

PRATEEK JALAN, J

AUGUST 9, 2024

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