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

+ **ARB.P. 566/2023**

KSB LTD.

..... Petitioner

Through: Mr. Amit Gupta, Mr. Shiv Verma &
Ms. Muskan Nagpal, advts.

versus

RAMAGUNDAM FERTILIZERS AND CHEMICALS LTD.

..... Respondent

Through: Mr. Siddhant Puri, Adv. (VC).

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

27.05.2024

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The present petition has been filed under Section 11 (5) & (6) of the Arbitration and Conciliation Act, 1996 seeking appointment of Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes *inter se* the parties arising out of General Purchase Conditions dated 29.05.2017 entered into between the parties wherein the Respondent had placed an order for the supply of two units of stream driven pumps and one unit of an electric motor driven pump for a value of Rs 31,70,00,000/-. The said order was required to be delivered by 16.06.2018 on FOT dispatch point basis. Clause 31.1 of the General Purchase Conditions contains the arbitration clause with the seat and jurisdiction of arbitration at New Delhi.

The arbitration has duly been invoked vide notice dated 15.02.2023. The claim amount is stated to be Rs. 3,28,76,546/-

Issue notice. Mr. Siddhant Puri, learned counsel accepts notice for the respondent.

Learned counsel appearing for the respondent, on instructions,



submits that the answering respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator.

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) Mr.Siddharth Sharma, Advocate (Mobile No.7400111111) is appointed as an Arbitrator to adjudicate the disputes between the parties.
- iii) The remuneration of the learned Arbitrator shall be in terms of fee rules of the IVth 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 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.

The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

MAY 27, 2024/rb/dg..