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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ ARB.P. 962/2023 & I.A. 18107/2023
M/S ANTIQUE BUILDERS Petitioner

Through: Mr. Ranjay Kr. Dubey, Advocate
[8882166275].

versus

GENERAL MANAGER, NORTHERN RAILWAY
& ORS. Respondents

Through: Mr. Balendu Shekhar, CGSC with
Mr. Raj Kumar Maurya, Ms.
Krishna Chaitanya, Advocates
[9999666769].

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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30.01.2024

1. By way of the present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"], the petitioner seeks appointment of an Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes between the parties.
2. Mr. Ranjay Kr. Dubey, learned counsel for the petitioner, submits that Clause 64 of the General Conditions of Contract ["GCC"] provides for resolution for disputes through arbitration.
3. Disputes having arisen between the parties, the petitioner invoked arbitration *vide* letter dated 20.11.2022. However, the respondent rejected the request of arbitration *vide* letter dated 10.01.2023.
4. Mr Balendu Shekhar, learned counsel for the respondent, submits that the respondent does not contest the existence of the arbitration agreement and that the disputes may be referred to arbitration, leaving all rights and contentions of the parties open for adjudication by the learned



arbitrator.

5. Mr. Shekhar submits that the arbitrator may be chosen from a panel maintained by the Railways. Mr. Dubey states that the petitioner has no objection to the appointment of Mr. Surinder Kaul, whose name appears on the panel.

6. In view of the above, the petition, alongwith pending application, is disposed of with the following directions:

- a. With the consent of learned counsel for the parties, Mr. Surinder Kaul, [Address: 12, Arjun Marg, FF DLF City, Phase-I, Gurgaon, Haryana-122002, Tel: 8826238976, Email: surinder.kaul@gmail.com] is appointed as an arbitrator to adjudicate the disputes between the parties.
- b. The disputes will be adjudicated by arbitration under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi [“DIAC”]. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.
- c. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

7. It is made clear that this Court has not adjudicated the rights and contentions of the parties on maintainability and merits, and the same are left open for adjudication by the learned arbitrator.

PRATEEK JALAN, J

JANUARY 30, 2024/“Bhupi”/