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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (T) (COMM.) 94/2023

PARNIKA COMMERCIAL ESTATE (P) LTD.

..... Petitioner

Through: Mr. Bhupesh Narula, Ms. Rinku
Narula, Mr. Swetabh Sharma, Advs.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Shashank Garg, CGSC with Ms.
Nishtha Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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05.04.2024

I.A. 19458/2023- EX.

1. Exemption is granted subject to all just exceptions.
2. The petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.
3. The application is disposed of.

O.M.P. (T) (COMM.) 94/2023

4. This is a petition filed under Section 14 and 15 of the Arbitration and Conciliation Act, 1996 seeking termination of the mandate of Mr. Arun Kumar Dwivedi, Additional Director General, CPWD (Retd.) and seeking appointment of an independent arbitrator.
5. Mr. Garg, learned CGSC at the outset states that the appointment of the



arbitrator was not effected as it was a unilateral appointment and the present petition is misconceived. However, he states that the present petition may be treated as a petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator.

6. Mr. Garg, learned CGSC further states that he has no objection to the appointment of an arbitrator but a Dispute Resolution Committee (“DRC”) has been set up by the respondent to look into the disputes of the petitioner. In case the disputes are not resolved within 4 weeks, with consent of parties, the following directions are issued:-

- i) Mr. Justice Talwant Singh (Retd.) (Mob. No. 9910384653) 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 Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- 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 on 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.

7. It is directed that before the arbitrator proceeds with the matter, the petitioner will approach the DRC appointed by the respondent which will look into the disputes of the petitioner. In case the same is not settled to the satisfaction of the petitioner, the order passed today appointing the arbitrator shall take effect from 15.06.2024.
8. The communication handed over in Court today by Mr. Garg, learned CGSC is taken on record.

JASMEET SINGH, J

APRIL 5, 2024 / (MS)

[Click here to check corrigendum, if any](#)