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

+ **ARB.P. 1040/2023**

M/S CLS CONSTRUCTIONS PRIVATE LIMITED Petitioner
Through: **Mr. S.W. Haider & Ms. Pooja Dua,**
Advocates.

versus

UNION OF INDIA Respondent
Through: **Mr. Naginder Benipal, SPC for UOI.**

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **16.01.2024**

1. The petitioner has approached this Court under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"] for appointment of an arbitrator to adjudicate disputes between the parties under a contract agreement dated 07.04.2022. The arbitration clause is incorporated in terms of Clause 64 of the General Conditions of Contract. Delhi has been designated as the place of arbitration. The arbitration clause was invoked by the petitioner *vide* letter dated 24.06.2023. In response, the respondent suggested a panel of four retired officers of Northern Railways from which the petitioner could nominate its nominee arbitrator.
2. In the course of hearing today, Mr. Naginder Benipal, learned counsel for the respondent, agrees that an independent arbitrator may be appointed to adjudicate the disputes.
3. In view of this submission, the petition is allowed and disputes



between the parties are referred to arbitration under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi-110503 [“DIAC”].

4. DIAC is requested to nominate an arbitrator from its panel. The arbitration will be governed by the Rules of DIAC, including as to the remuneration of the learned Arbitrator.

5. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

6. If the respondent has counter claims, those may also be placed before the learned Arbitrator in accordance with law.

7. It is made clear that this Court has not entered into the rights and contentions of the parties, including as to maintainability of the claims and on merits, which are left open for adjudication before the learned Arbitrator.

8. The petition stands disposed of with these observations.

PRATEEK JALAN, J

JANUARY 16, 2024

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