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

+ **ARB.P. 1036/2024**

M/S SRIRAM CABLES PVT. LTD.

.....Petitioner

Through: Mr. Tarun Arora, Advocate.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Amit Gupta, SPC with Mr. Gokul
Sharma, GP

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

16.12.2024

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I.A. 48315/2024

1. This is a petition under Section 11(6) of the Arbitration & Conciliation Act seeking appointment of an Arbitrator for adjudicating the disputes between the parties under the Running Contract dated 29.09.2015.
2. Material on record indicates that dispute arose between the parties under a tender being Tender No. CORES 110 l 5248 issued by Respondent inviting bids for supply of 3600 MT of Jointless Hard Drawn Grooved Copper Contract Wire for electric traction drawn out of continuous case copper wire rods.
3. It is stated that disputes arose between the parties and the arbitration clause was invoked by the Petitioner. In terms of the arbitration clause contained in Clause 9 of the GCC, the Respondent appointed one Mr. Parmatma Sharan, ex-employee of the Respondent as the Sole Arbitrator.
4. It is stated that an award was passed against the Petitioner herein



which was challenged by the Petitioner under Section 34 of the Arbitration & Conciliation Act by filing OMP (COMM) 447/2018. It is stated that *vide* an Order dated 22.04.2024, the award has been set aside primarily on the ground that since the appointment was unilateral, it was not in accordance with the judgment of the Apex Court.

5. Pursuant to the said order, the Petitioner has approached this Court by filing the instant petition seeking appointment of an Arbitrator.

6. Accordingly, Mr. Siddharth Bhatnagar, Senior Advocate, (Mob. No. 9899571003) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

7. The learned Arbitrator shall be entitled to fees as per the Schedule of Fee under the Arbitration & Conciliation Act, 1996.

8. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act, 1996 within a week of entering on reference.

9. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

10. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

11. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 16, 2024

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