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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(T) 6/2024**

**M/S SUREKA INTERNATIONAL THROUGH
SHRI ASHOK KUMAR SUREKA, PARTNER**Petitioner
Through: **Mr.B.S.Mathur, Advocate.**

versus

**UNION OF INDIA THROUGH THE SECRETARY
MINISTRY OF HOME AFFAIRS & ANR.**Respondents
Through: **Mr.Ranjeev Khatana, SPC with
Mr.Denbakshi Chakraborty,
Advocate**

**CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN**

ORDER

% **13.09.2024**

1. This petition has been filed under Section 15 of the Arbitration and Conciliation Act, 1996 ["the Act"] for the following reliefs:

"It is prayed that this Hon'ble Delhi High Court may be graciously pleased to allow this Petition with costs and direct the Respondents to file the original arbitration agreement in Court

Thereafter this Hon'ble Court may:

(a) Either appoint Ms. Renu Pande, Asst. Legal Advisor, Ministry of Law as the Sole Substitute Arbitrator and direct her to resume hearing since all the papers pertaining to subject matter are already available in her office.

(b) Or appoint a fresh substitute Arbitrator in accordance with law and/ or pass any other order/direction as the Hon'ble Court deems fit and proper in the facts and circumstance of the case."

2. The contention of the petitioner is that a supply order was placed upon it by respondent No. 2 [Central Reserve Police Force] on 25.04.2012. The terms and conditions of the supply order included an



arbitration clause, which was invoked by the petitioner on 18.09.2014. A sole arbitrator was thereafter appointed, who resigned before deciding the matter. A substitute arbitrator was appointed, who also subsequently resigned.

3. The arbitral proceedings were thereafter referred to Ms. Renu Pande, who is now the Deputy Legal Advisor, Ministry of Law. It is specifically stated in the petition that the petitioner consented to the appointment of Ms. Renu Pande as the arbitrator by its letter dated 02.12.2020.

4. The present petition has been occasioned by the fact that Ms. Renu Pande has communicated to the petitioner that she has not received any reference in respect of these disputes.

5. Learned counsel for the respondents [Ministry of Home Affairs and Central Reserve Police Force] states that he has been instructed that Ms. Renu Pande has been duly appointed, and that the Union of India will ensure that the order is communicated to Ms. Renu Pande and she enters into the reference within a period of four weeks from today. An affidavit of compliance be filed by the respondents within a period of six weeks from today.

6. In view of the fact that Ms. Renu Pande is an officer of the Union of India, I have specifically enquired of learned counsel for the parties whether they intend to waive the applicability of Section 12(5) of the Act. Learned counsel for both sides state that they consent to the appointment of Ms. Renu Pande. Upon Ms. Renu Pande entering into the reference, both sides are directed to file affidavits before her, expressly stating that they waive the applicability of Section 12(5) of the Act, prior to any



further proceedings.

7. The petition is disposed of accordingly.

PRATEEK JALAN, J

SEPTEMBER 13, 2024/‘sv’/