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

+ **ARB.P. 1096/2023**

M/S SOJAT GAS SERVICE

.....Petitioner

Through: Mr. Rahul Jajoo and Mr. Siddharth
Bapna, Advocates

versus

INDIAN OIL CORPORATION LTD & ORS.

.....Respondent

Through: Ms Mala Narayan, Mr Shashwat
Goel, Ms Isha Ray, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

20.01.2025

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I.A. 1334/2025

1. This application has been filed by the Petitioner seeking a direction to the DIAC to appoint an Arbitrator to adjudicate on the disputes between the parties in terms of the Order dated 19.01.2024.
2. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 by the Petitioner seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties under the Distribution Agreement dated 14.07.1994.
3. This Court *vide* Order dated 19.01.2024 allowed the present Petition by directing as under:

“5. For the said reasons, the petition is allowed and disposed of with the following directions:



i) 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.

ii) Since both the parties are in Jodhpur, DIAC shall preferably appoint the arbitrator from Jodhpur to adjudicate the disputes between the parties.

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.

vi) The Arbitrator shall ensure that the parties are permitted to appear through VC.”

4. Petitioner has filed the present application stating that even after one year, DIAC has not appointed an Arbitrator to adjudicate on the disputes between the parties.

5. It is stated by the learned Counsels appearing for the parties that instead of directing the DIAC to appoint an Arbitrator this Court can appoint an Arbitrator to adjudicate on the disputes between the parties.

6. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the Agreement, this Court is inclined to



appoint an Arbitrator to adjudicate upon the disputes between the parties.

7. Accordingly, Mrs. Radhika Bishwajit Dubey, Advocate (Mobile. 9810982927) is appointed as Arbitrator to adjudicate upon the disputes between the Parties.

8. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

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

10. 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.

11. 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.

12. The application stands disposed of in the above terms.

SUBRAMONIUM PRASAD, J

JANUARY 20, 2025

Rahul