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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1140/2023**
M/S METRRO WASTE HANDLING PRIVATE LIMITED

..... Petitioner

Through: Ms. Nidhi Mohan Parashar, Mr.
Deepak Yadav, Advs.

versus

DELHI JAL BOARD

..... Respondent

Through: Ms. Sangeeta Bharti, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

24.01.2024

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1. This is a petition seeking appointment of an Arbitrator to adjudicate the disputes between the parties arising out of the Contract Agreement No. 53 dated 27.05.2013.

2. The Arbitration Clause is Clause 18.1.2 which reads as under:

“18.1.2. Arbitration Procedure

Any unresolved Dispute shall be finally decided by reference to arbitration. The arbitration shall be conducted in accordance with the Arbitration and Conciliation Act, 1996 as amended from time to time.

(A) Appointment of Arbitrators & Award by Arbitrators

(i) The arbitration shall be conducted by an Arbitration Panel consisting of three members, one to be nominated by each party and the third and the Presiding Arbitrator to be chosen by the two arbitrators. The Presiding Arbitrator shall be a Retired



judge of the Supreme Court of India. In the event of any difference of opinion between the two nominated arbitrators regarding the choice of the Presiding Arbitrator, the parties shall take recourse of Section 11 of the Arbitration and Conciliation Act, 1996, as amended from time to time.

(ii) The Arbitration Panel shall make an endeavor to make an award on any dispute referred to it within a period of ninety (90) days from the date of its first meeting. However, such period may be extended by Arbitration Panel for reasons to be recorded. The Arbitration Panel shall have the powers to pass such Interim Orders as are permissible under the Arbitration and Conciliation Act, 1996, as amended from time to time. The Arbitration Panel may retain the services of financial and technical consultants, if so deemed appropriate.”

3. The petitioner invoked arbitration agreement vide letter dated 17.08.2023.
4. Ms. Bharti, learned standing counsel for the respondent has no objection to appointment of an arbitrator.
5. For the said reasons, the petition is allowed and disposed of with the following directions:
 - i) Mr. Gautam Narayan, Adv. (Mob. No. 9811411735) 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.

JASMEET SINGH, J

JANUARY 24, 2024/DM

Click here to check corrigendum, if any