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

+ **O.M.P. (T) (COMM.) 104/2023 & I.A. 22099/2023**

M/S BALMER LAWRIE AND CO. LTD. Petitioner

Through: Mr. M.K. Ghosh, Ms. Tina Garg,
Ms. Naiyar Mateen, Advocates
with Mr. Ajaye Singh, AR of the
Company.

versus

**INSTRUMENTS RESEARCH AND DEVELOPMENT
ESTABLISHMENT & ANR.** Respondents

Through: Mr. Farman Ali, SPC and Ms.
Vidhi Gupta, GP with Ms. Usha
Jamnal & Mr. Krishan Kumar,
Advocates.

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

**ORDER
13.02.2024**

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1. By way of this petition under Section 14 of the Arbitration and Conciliation Act, 1996 [“the Act”], the petitioner seeks termination of the mandate of an arbitrator who is *seisen* of disputes between the parties under a Supply Order dated 01.03.2016.

2. The Supply Order contains an arbitration clause [Clause 14] which provides for resolution of disputes by arbitration of the nominated officer of the Defence Research and Development Organisation. The disputes between the parties were referred to arbitration under this clause.



However, the petitioner filed an application for termination of the arbitration proceedings, stating that the petitioner is a public sector undertaking of the Central Government and the respondents are also departmental agencies of the Central Government. The petitioner contended that, in such circumstances, disputes are to be resolved under the Administrative Mechanism of Resolution of CPSEs Disputes [“AMRCD”] notified by an Office Memorandum of the Union of India dated 14.12.2022 [Annexure P-7 to the petition]. It was also contended that the arbitrator was a serving officer of the respondent and therefore disqualified in terms of Section 12 of the Act.

3. The present petition has been filed on the same grounds.

4. Mr. Farman Ali, learned counsel for the respondents, submits upon instruction that respondents are agreeable to resolution of the disputes under AMRCD in terms of Office Memorandum dated 14.12.2022. He therefore joins the petitioner’s prayer for termination of the mandate of the arbitrator.

5. In view of the agreement between the parties, the mandate of the arbitrator is terminated and the parties are free to take steps in terms of Office Memorandum dated 14.12.2022.

6. The petition, alongwith pending application, stands disposed of in these terms.

PRATEEK JALAN, J

FEBRUARY 13, 2024

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