



\$~29

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

+ **ARB.P. 1336/2023**

M/S K K GUPTA CONSTRUCTION PVT LTD Petitioner

Through: **Mr. Thakur Ankit Singh & Ms. Udit Singh, Advocates.**

versus

UNION OF INDIA Respondent

Through: **Mr. Balendu Shekhar, CGSC & Mr. Raj Kumar Maurya, Advocate.**

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **14.02.2024**

I.A. 3575/2024 (u/Ss 151 & 152 of CPC, 1908)

1. By way of present application, the applicant/petitioner seeks modification of the Order dated 25.01.2024.
2. It is submitted in the application that *vide* Order dated 25.01.2024, Sole Arbitrator was appointed, but it is stated that one nominee each of petitioner and the respondent may be allowed to be nominated and the matter be taken up by the Arbitral Tribunal instead of Sole Arbitrator.
3. Learned counsel for the non-applicant/respondent appearing on advance notice vehemently opposes the present application by submitting that though the respondent has its own panel of arbitrators, it was agreed in the Court on 25.01.2024 that Sole Arbitrator may be appointed for adjudication of the disputes having arisen between the parties.
4. Learned counsel for the non-applicant/respondent further submits



that there is no error in the Order dated 25.01.2024 as the Sole Arbitrator was appointed with the consent of both the parties and the present application is, therefore, liable to be dismissed being without merit.

5. Submissions heard.

6. Learned counsel for the applicant/petitioner has conceded that on the last date of hearing i.e., 25.01.2024 he did not have any instruction to seek appointment of Arbitral Tribunal with one nominee of each side, but now he has received the instructions from the petitioner that each nominee of petitioner and the respondent may be nominated so that the arbitration may be done by the Arbitral Tribunal rather than by the Sole Arbitrator. Therefore, he has filed the present application.

7. For the foregoing submission, there is no infirmity in the Order dated 25.01.2024 *vide* which the Sole Arbitrator was appointed, nor is there any clerical error in *ibid* as the same was passed with the consent of the parties.

8. Accordingly, the present application is dismissed being without merit.

NEENA BANSAL KRISHNA, J

FEBRUARY 14, 2024

S.Sharma