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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1343/2023**
PARAMDEEP MOKHA Petitioner
Through: Mr. Sanjay Garg, Advocate.
versus
POWER GRID CORPORATION OF INDIA LTD. THROUGH ITS
CHAIRMAN AND MANAGING DIRECTOR Respondent
Through: Ms. A. Zaidi, Ms. Suriti Chaudhary
and Mr. Anuj Bhawe, Advocates.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
12.02.2024

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By way of the present petition under section 11 of the Arbitration & Conciliation Act 1996 ('A&C Act' for short), the petitioner seeks appointment of an arbitrator to adjudicate upon the disputes that are stated to have arisen with the respondent from Contract Agreement dated 17.09.2021 ('Agreement').

2. Mr. Sanjay Garg, learned counsel for the petitioner has drawn the attention of this court to clause 59 of the Agreement, which comprises the arbitration agreement between the parties; and contemplates reference of disputes between them to arbitration in accordance with the A&C Act; with the venue of arbitration being at New Delhi.
3. For completeness, it may be recorded that a separate territorial jurisdiction provision is also contained in clause 60 of the agreement, which subjects the contract between the parties to the jurisdiction of courts of law at New Delhi.
4. As per the record, the petitioner invoked arbitration *vide* Notice dated 06.02.2023; to which the respondent sent reply dated 27.03.2023.



5. Notice on this petition was issued on 18.12.2023.
6. Though Ms. A. Zaidi, learned counsel appearing for the respondent submits that they have filed their reply to the petition, the same is not on record.
7. Be that as it may, Ms. Zaidi fairly states that they do not object to the disputes raised by way of the present petition being referred to arbitration, submitting only that the allegation made in the petition to the effect that the arbitration procedure agreed to between the parties had *failed* is unwarranted and uncalled for since it is factually incorrect.
8. Learned counsel appearing for the petitioner submits that the disputes in the present case be referred to Ms. Suhasini Sen, Advocate, who has been appointed as an arbitrator to adjudicate upon certain other disputes between the parties *vide* order dated 10.01.2024 made by a Co-ordinate Bench of this court in Arb.P. No. 1344/2023 titled ***Paramdeep Mokha vs. Power Grid Corporation of India Ltd. Through its Chairman and Managing Director.***
9. Learned counsel for the respondent concurs in the submissions.
10. Upon a conspectus of the averments contained in the petition and the submissions made, this court is satisfied that there is a valid and subsisting arbitration agreement between the parties; that this court has territorial jurisdiction to entertain and decide the present petition; and also that the disputes that are stated to have arisen between the parties as set-out *inter-alia* in invocation notice dated 06.02.2023 do not appear *ex-facie* to be non-arbitrable.



11. Accordingly, the present petition is allowed; and as requested jointly by learned counsel for the parties, **Ms. Suhasini Sen, Advocate (Cellphone No.: +91 9650096066)** is appointed as the learned Sole Arbitrator to adjudicate upon the disputes between the parties.
12. The learned Arbitrator may proceed with the arbitral proceedings subject to furnishing to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
13. The learned Arbitrator shall be entitled to fee in accordance with Fourth Schedule to the A&C Act; or as may otherwise be agreed to between the parties and the learned Arbitrator.
14. Parties shall share the arbitrator's fee and arbitral costs, equally.
15. 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.
16. Parties are directed to approach the learned Arbitrator appointed within 15 days.
17. A copy of this order be communicated by the Registry to the learned Sole Arbitrator.
18. The petition stands disposed of in the above terms.
19. Other pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 12, 2024