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

+ **ARB.P. 1334/2024**

HIND TERMINALS PRIVATE LIMITED

.....Petitioner

Through: Mr. Savyasachi K. Sahai, Mr.
Vishwajeet Singh Shekhawat and Mr.
Aman Singhania, Advocates.

versus

**GENERAL MANAGER, NORTHERN RAILWAY
ADMINISTRATION**

.....Respondent

Through: Mr. Om Prakash, Mr. Nitish Pande,
Ms. Swati Mishra and Mr. Sarthak
Udaipuria, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

07.11.2024

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1. The Petitioner has approached this Court under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the parties.

2. It is stated that the Petitioner and the Respondent entered into an agreement for development of Private Freight Terminal (PFT) between Palwal Station and Asaoti Station of Northern Railways. It is stated that since disputes arose between the parties, the Petitioner issued a letter dated 12.09.2022 invoking Dispute Resolution mechanism under the agreement and the disputes were referred to conciliation. Since conciliation has failed, the Petitioner issued notice dated 06.06.2024 to the Respondent invoking Arbitration.

3. It is stated that the notice dated 06.06.2024 invoking arbitration was withdrawn by the Petitioner on account of some inadvertent errors in the said notice and the Petitioner issued a fresh notice dated 09.07.2024



invoking arbitration clause.

4. It is stated that since the Respondent has not replied to the said notice, the Petitioner has approached this Court by filing the instant petition for appointment of an Arbitrator.

5. During the course of hearing, respective Counsel for the parties jointly request that an independent Sole Arbitrator be appointed to adjudicate the disputes between the parties.

6. Accordingly, Ms. Radhika Dubey, Adv. (Mob. No. 9810982927) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

7. The learned Arbitrator shall be entitled to fees as per the Fourth Schedule of the Arbitration & Conciliation Act, 1996.

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

9. 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.

10. 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.

11. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 7, 2024

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