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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1431/2024**
M/S COUNTER MEASURES TECHNOLOGIES (P) LTD.

.....Petitioner

Through: Mr. Atul Kumar, Advocate.

versus

NATIONAL SECURITY GUARD & ANRRespondents
Through: Dr. B. Ramaswamy, CGSC

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
19.12.2024

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1. The present petition has been filed under Section 11 (6, 7, 8) of the Arbitration and Conciliation Act, 1996 by the Petitioner seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties under the tender dated 03.11.2021 for procurement of CMT Glock-19, GEN-4, 9X19 learned Metropolitan Magistrate Pistol set along with accessories Qty. 570 Nos. Which was awarded to the Petitioner on 01.12.2021.
2. It is stated that the Petitioner received a show-cause notice on 29.02.2024 to explain as to why the Contract dated 01.12.2021 should not be terminated. It is stated that an opportunity was asked by the Petitioner for hearing. It is stated that the Contract dated 01.12.2021 was terminated on 23.04.2024. It is stated that on 12.06.2024, a notice under Section 21 of the Arbitration and Conciliation Act, 1996 was issued by the Petitioner invoking arbitration.
3. It is pertinent to mention that Clause 27 of the Contract dated 01.12.2021 contains an Arbitration Clause.



4. Clause 25.2 of the Contract dated 01.12.2021 state that the Court of the New Delhi shall alone have the jurisdiction to decide any dispute arising out of the said Contract.
5. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the Contract dated 01.12.2021, this Court is inclined to refer the dispute to the DIAC to appoint an Arbitrator to adjudicate upon the disputes between the parties.
6. Accordingly, the Delhi International Arbitration Centre (DIAC) is requested to appoint an Arbitrator to adjudicate upon the disputes between the Parties.
7. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.
8. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act 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

DECEMBER 19, 2024

RJ