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

+ **ARB.P. 2034/2024**

MS HINDUSTAN ENGINEERING AND INDUSTRIES LIMITED

.....Petitioner

Through: Mr. Aneesh Mittal and Ms. Komal Mittal, Advocates.

versus

UNION OF INDIA MINISTRY OF DEFENCERespondent

Through: Mr. Vijay Joshi, Mr. Sushil Kumar Pandey and Mr. Mohit Joshi, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

17.12.2024

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1. The Petitioner has approached this Court under Section 11(6) & 11(10) 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 entered into a Contract Agreements for supply of Bogie Railway Special (BRS) wagons and Military Bogie Well Type (MBWT) wagons with the Respondent.
3. It is stated that since there was dispute regarding the payment of outstanding dues, the Petitioner issued notices invoking arbitration to the Respondent and proposed the name of Mr. R K Sanghi, Senior Advocate to be one of the arbitrators on behalf of the Petitioner in the Arbitral Tribunal to be constituted to decide the disputes between the parties.
4. It is stated that the Respondent since the Respondent has failed to nominate a representative from their end in the Arbitral Tribunal, the



Petitioner has approached this Court seeking 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. Varuna Bhandari Gugnani (Adv.) (Mob. No. 9810400605) is appointed as a Sole 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 Arbitration & Conciliation 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 17, 2024

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