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

+ **ARB.P. 2067/2024**

INDIA NEWS COMMUNICATIONS LIMITEDPetitioner

Through: *Appearance not given*

versus

UNION OF INDIA & ORSRespondents

Through: Mr. Bhagwan Swaroop Shukla,
CGSC with Mr. Rahul Kumar Sharma
Govt. Pleader.
Ms. Iram Majid, CGSC with Mohd.
Suboor, Advocates.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
18.12.2024

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I.A. 48704/2024 (Exemption)

Allowed, subject to all just exceptions.

ARB.P. 2067/2024

1. This is a petition under Section 11 (6) of the Arbitration & Conciliation Act for appointment of an arbitrator for adjudicating the dispute which has arisen between the parties under a contract being Contract no. GEMC-511687745957202 dated 11.01.2024 entered into between the parties.
2. It is stated that the contract was terminated by the Respondent on 26.09.2024. It is stated that the Petitioner filed a petition under Section 9 of



the Arbitration & Conciliation Act and obtained interim orders. Thereafter, in view of the termination notice dated 26.09.2024 issued by the Respondent herein, an Arbitrator has been unilaterally appointed by the Respondent on 03.10.2024.

3. The Petitioner approached this Court stating that the unilateral appointment of an Arbitrator by the Respondent is hit by the judgment passed by the Apex Court in Perkins Eastman Architects DPC & Anr. v. HSCC (India) Limited, (2020) 20 SCC 760 and therefore the Arbitrator has to be appointed by this Court.

4. In view of the fact that the Respondent itself in response to the notice under Section 21 of the Arbitration & Conciliation Act appointed an Arbitrator unilaterally against the judgment passed by the Apex Court in Perkins Eastman Architects DPC & Anr. v. HSCC (India) Limited, (2020) 20 SCC 760, this Court is inclined to appoint an Arbitrator to adjudicate the disputes between the parties.

5. Accordingly, Ms. Simran Brar, Advocate, (Mob. No. 9811030321) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

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

7. 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.

8. 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.

9. 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.

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

SUBRAMONIUM PRASAD, J

DECEMBER 18, 2024

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