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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 6/2025**
JINDAL STEEL AND POWER LIMITEDPetitioner
Through: Ms.Gauri Rasgotra, Advocate

versus

UNION OF INDIA THROUGH THE NOMINATED AUTHORITY
.....Respondent
Through: Mr.Rakesh Kumar, CGSC with
Mr.Sumit and Mr.Hussain Taqvi, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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31.01.2025

1. The present petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), whereby the petitioners seeks interim relief.
2. Learned counsel for the petitioner submits that the parties have entered into a Coal Mine Development and Production Agreement executed on 17.08.2022 and Clause 27 of the same stipulates resolution of disputes arising in the context of the aforesaid agreement through arbitration, subject to the provisions of the A&C Act. The Clause further provides for the venue of arbitration to be at Delhi.
3. Learned counsel appearing for the respondent does not dispute either the aforesaid agreement or the jurisdiction of this court.
4. Learned counsels for the parties, on instructions, jointly submit that the Arbitration Agreement not being denied, the disputes arising in the context of the subject agreement be referred to the Arbitral Tribunal



comprising of three Arbitrators, as stipulated in the said agreement, one nominated by each party and the third Arbitrator to be jointly appointed the two nominated Arbitrators. It is further prayed that the present petition filed under Section 9 of the A&C Act be treated as an application under Section 17 of the A&C Act.

5. It is noted that both the petitioner and respondent have consented to the reference of the disputes to an Arbitral Tribunal comprising of three Arbitrators, where the petitioner and the respondent each shall appoint one Arbitrator and such appointed arbitrators shall appoint the 3rd Arbitrator. While the petitioner has proposed the name of Mr. Justice Vineet Saran, former Judge, Supreme Court of India as its nominee Arbitrator, the respondent states that it will nominate its Arbitrator within two weeks from today, whereafter, the parties shall approach the two Arbitrators within a week, for the appointment of the third Arbitrator.

6. Accordingly, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the said agreement are referred to the Arbitral Tribunal and the present petition itself shall be treated as an application under Section 17 of the A&C Act.
- ii) The interim orders shall continue to operate till the application is taken up by the Arbitral Tribunal whereafter the parties shall be at liberty to seek continuation, confirmation, variance, modification or vacation of the status quo order dated 08.01.2025 passed by this Court.
- ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC'). The remuneration of the learned



Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.

iii) The learned Arbitrators shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.

iv) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim/counter-claim, any other preliminary objection including on jurisdiction, as well as claims on merits of the dispute of either of the parties are left open for adjudication by the Arbitral Tribunal.

MANOJ KUMAR OHRI, J

JANUARY 31, 2025

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