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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 8/2025**

KILBURN ENGINEERING LIMITEDPetitioner
Through: Mr. Aseem Chaturvedi, Mr. Rauitey
Chilumuri, Mr. Shivanh Diddi, Mrs.
Ishita Mundra and Mr. Amaan Khan,
Advs.

versus

TECHNIP ENERGIES INDIA LIMITED & ANR.....Respondents
Through: Mr. Shaiwal Srivastava, Adv.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
% **24.01.2025**

1. By way of the present petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks interim directions.
2. Learned counsel for the petitioner submits that Article 27.3 of the General Terms and Conditions for Project Materials Purchase of the Work Order stipulates resolution of disputes through arbitration. It further provides for the seat of arbitration to be at New Delhi.
3. Learned counsels for the parties, on instructions, jointly submit that the Arbitration Agreement not being denied, the disputes arising in the context of the Work Order in the present petition be also referred to the Arbitral Tribunal comprising of a Sole Arbitrator and the present petition



filed under Section 9 be treated as an application under Section 17 of the A&C Act.

5. Considering that both the parties have consented to the reference to the arbitral tribunal, 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. The present application be treated as one under Section 17 of the A&C Act. The parties shall be at liberty to seek confirmation, variance, modification, vacation of the status quo order dated 09.01.2025 before the Arbitral tribunal.
- ii) Justice Vipin Sanghi, Former Chief Justice of Uttarakhand High Court (Mob: 9871300037) is appointed as the sole Arbitrator to adjudicate the disputes between the parties.
- iii) 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.
- iv) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- v) 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.
- vi) The parties shall approach the learned arbitrator within two weeks



from today.

6. The interim order granted by Court vide order dated 09.01.2025 shall continue.

MANOJ KUMAR OHRI, J

JANUARY 24, 2025/ns