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

+ **ARB.P. 157/2025**

KILBURN ENGINEERING LIMITED

.....Petitioner

Through: Mr. Aseem Chaturvedi, Mr. Raviteja
Chilumuri, Mr. Shivank Diddi, Ms.
Ishita Mundra, Ms. Radhika Kulkarni
and Mr. Amaan Khan, Advocates.

versus

TECHNIP ENERGIES INDIA LIMITED

.....Respondent

Through: Mr. Shaiwal Srivastava, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **22.01.2025**

I.A. 1747/2025 (Exemption)

Allowed, subject to all just exceptions.

ARB.P. 157/2025

1. The Petitioner has approached this Court under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the parties.
2. It is stated that Indian Oil Corporation Limited (IOCL) awarded an Engineering, Procurement and Construction contract to Respondent for a Purified Terephthalic Acid (PTA) plant to be built inside IOCL's refinery in Paradip, Orissa.
3. It is stated that the Respondent, in turn, sub-contracted the fabrication work of three silos having a diameter of 9.5 meters and four silos having a diameter of 14 meters required for the PTA plant to the Petitioner under a

ARB.P. 157/2025

Page 1 of 3



Work Order dated 15.04.2022.

4. It is stated that the Petitioner raised various claims towards the idling charges on account of power cuts and stoppage of work and loss of productivity and the cost incurred towards delay by Respondent. It is stated that the Respondent rejected the considerably reduced and revised claim proposal as submitted on 10.05.2024. It is stated that on 27.09.2024, the Petitioner issued a legal notice to the Respondent consolidating all claims made against the Respondent in the nature of notice of claims.

5. It is stated that since the notice of claims was not replied to by the Respondent, the Petitioner issued a notice dated 28.10.2024 invoking arbitration and appointed Judge Jayant Nath, former Judge of this Court as the Sole Arbitrator for adjudication of disputes between the parties.

6. It is stated that since the Respondent has not consented to the appointment of the Sole Arbitrator as appointed by the Petitioner and the Respondent has rejected the claims put forth by the Petitioner, the Petitioner has approached this Court seeking appointment of an Arbitrator.

7. During the course of hearing, respective Counsel for the parties jointly request that a former Judge Supreme Court of India be appointed to adjudicate the disputes between the parties.

8. Accordingly, Mr. L. Nageshwar Rao, former Judge Supreme Court of India, (Mob: 9810035984) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

9. 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.



10. 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.

11. 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.

12. 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.

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

SUBRAMONIUM PRASAD, J

JANUARY 22, 2025

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