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

+ O.M.P.(I) (COMM.) 51/2025

JINDAL POWLER IMITED

.....Petitioner

Through: Mr.Gopal Jain, Sr. Advocate with
Ms.Gauri Rasgotra, Mr.Manish K., Ms.Priyashree,
Ms.Suvarna, Mr.Girish, Mr.Gunav, Ms.Ekta,
Mr.Gurpreet, Mr.Dinesh and Mr.Rijul, Advocates

versus

UNION OF INDIA, THROUGH THE NOMINATED AUTHORITY

.....Respondent

Through: Mr.Abhishek Gupta, CGSC with
Mr.Udit Kr. Thakur and Mr.Rajeev, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

18.02.2025

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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 petitioner seeks interim directions.
2. The parties entered into a Coal Mine Development and Production Agreement (CMDPA) dated 29.03.2023 and Clause 27 of the same stipulates resolution of disputes through arbitration in accordance with provisions of the A&C Act. The Clause further provides for the venue of arbitration to be at Delhi.
3. Learned counsel for the petitioner, on instructions, submits 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, one nominated by each party and the third Arbitrator to be jointly appointed by the two selected 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.

3. Learned CGSC appearing for the respondent does not dispute either the arbitration agreement or the jurisdiction of this Court. Further, he submits, on instructions, that the respondent has no objections to the aforesaid prayer.

4. At this stage, learned counsels for the parties jointly pray that 2 weeks' time be granted to them for nominating their respective nominee Arbitrators.

5. Considering that both the petitioner and respondent have consented to the reference of the disputes to an Arbitral Tribunal comprising of three Arbitrators, where petitioner and respondent shall each appoint one arbitrator and such appointed arbitrators shall appoint the 3rd Arbitrator, 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 be treated as an application under Section 17 of the A&C Act.
- ii) Operation of the *status quo* order dated 14.02.2025 passed by this Court shall continue till it is taken up for consideration by the Arbitral Tribunal. The parties shall be at liberty to seek confirmation, variance, modification or vacation of the aforesaid status quo order before the Arbitral tribunal which would be considered on its own merits without being influenced in any manner by the order passed by this Court.



- iii) Both the petitioner and the respondent each shall appoint one arbitrator within two weeks from today to adjudicate upon the disputes between the parties who shall choose and appoint the third Arbitrator within two weeks thereafter.
- iv) 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.
- v) The learned Arbitrators so appointed shall furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- vi) It is made clear that all the rights and contentions of the parties, including on the existence and validity of the Arbitration agreement, novation of the agreements, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by either of the parties, are left open for adjudication by the Arbitral Tribunal.
- vii) The parties shall approach the learned Arbitrators within two weeks from appointment of the Arbitral Tribunal.

MANOJ KUMAR OHRI, J

FEBRUARY 18, 2025

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