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

+ **ARB.P. 322/2025**

M/S. TELECOMMUNICATIONS CONSULTANTS INDIA LTD

.....Petitioner

Through: Mr. Ritwik Sneha & Mr. Sumeet
Singh, Advs.

versus

M/S. POWER ENGINEERING (INDIA) PVT. LTD.Respondent

Through: Mr. Subodh Kumar Pathak, Mr.
Pawan Kumar Sharma & Mr.
Abhijeet Saxena, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

27.05.2025

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1. This is a petition filed under Section 11 (6) of Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the dispute between the parties.
2. The petitioner issued a tender on 01.03.2013 for supply, installation and commissioning of diesel generator set. The respondent was awarded the contract and a Purchase Order dated 26.04.2013, bearing No. TCIL/15/1470/I/12-MM/015P was issued to the respondent.
3. The parties are bound by Clause 3.11 which is an arbitration clause as per GCC which reads as under:-

“3.11 Arbitration

*3.11.1 In the event of any dispute arising between TCIL and
the Supplier in any matter covered by this contract or*



arising directly or indirectly there from or connected or concerned with the said contract in any manner of the implementation of any terms and conditions of the said contract, the matter shall be referred to the Chairman & Managing Director, TCIL who may himself act as sole arbitrator or may name as sole arbitrator an officer of TCIL notwithstanding the fact that such officer has been directly or indirectly associated with this contract and the provisions of the Indian Arbitration Conciliation Act, 1996 shall apply to such arbitration. The supplier expressly agrees that the arbitration proceedings shall be held at New Delhi.”

4. Since there was disputes between the parties, the petitioner invoked arbitration vide Legal Notice dated 19.12.2024.
5. Prior to the same, the petitioner had appointed a Sole Arbitrator and the Award passed by the learned Sole Arbitrator was set aside by the District Judge, Commercial Court, Saket.
6. Mr. Pathak, learned counsel for the respondent has filed a reply, but the same is not on record.
7. Mr. Pathak states that the only objection is regarding unilateral appointment which is impermissible in law and all other submissions are issues on merit which the Arbitrator will decide.
8. Mr. Sneha, learned counsel for the petitioner has no objection to the Arbitrator being appointed by this Court.
9. For the said reasons, the petition is allowed and the following directions are issued:-



- i) Mr. Vimal Kumar Yadav (Retd. District and Sessions Judge) (Mob. No. 9910384696) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
 - iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
 - iv) The learned Arbitrator is requested to 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, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
 - vi) The parties shall approach the learned Arbitrator within two weeks from today.
10. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

MAY 27, 2025/pk

[Click here to check corrigendum, if any](#)