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

+ **ARB.P. 451/2025**

M/S. M.V. OMNI PROJECTS (INDIA) LTD.Petitioner

Through: Mr. Akash Swami, Adv

versus

**UNION OF INDIA THROUGH DY CHIEF ENGG NORTHERN
RAILWAY & ANR.Respondents**

**Through: Mr. Ruchir Mishra, Mr. Mukesh
Kumar Tiwari, Ms. Reba Jena
Mishra, Ms. Harshita Sharma
Advocates**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

12.03.2025

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1. This Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator as per Clause 63 of the Indian Railway Standard General Conditions of Contract dated 30.03.2017 to adjudicate on the disputes which have arisen between the parties.

2. It is stated that under the said Contract the Petitioner was awarded the contractual work on earth-work in formation including filling, cutting and compaction, supply and providing blanketing material on embankment, extension of existing minor bridges by RCC Box/RCC Slab, PSC Slabs (Post and Pretension) Limited height subway, construction of retaining walls on the "Proposed doubling Alamnagar-Utaretia bypass line of Lucknow



Division of Northern Railway” by the Respondent herein. It is stated that disputes have arisen between the parties. It is stated by the learned Counsel for the Petitioner that the Respondent terminated the contract and constituted the Arbitral Tribunal unilaterally. It is stated that the Arbitral Tribunal passed an award on 20.12.2022 which was challenged by the Petitioner by filing OMP(COMM) No.264/2023. It is stated that the said Petition was disposed of by this Court by setting aside the award dated 20.12.2022. Petitioner has, thereafter, approached this Court by filing the present Petition.

3. Learned Counsel appearing for the Respondent states that the Respondent has no objection to the present Petition.

4. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the Agreement, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.

5. Accordingly, Justice B. S. Chauhan, Former Judge of the Supreme Court of India, (Mob: 9717393516) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

6. 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.

7. 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.

8. 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.

9. 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.

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

SUBRAMONIUM PRASAD, J

MARCH 12, 2025

Rahul