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

+ **ARB.P. 452/2025**

CORE ENERGY SYSTEMS LTDPetitioner

Through: Mr. Ishan Nagar, Ms. Aditi, Ms.
Garima Khanna, Advs.

versus

MINISTRY OF HEALTH AND FAMILY AFFAIRS & ANR.

.....Respondents

Through: Mr. Bhagwan Swaroop Shukla
CGSC, WITH Rahul Kumar Sharma
Govt Pleader, Advs for R-1.
Mr. Tarun Johri, Mr. Ankur Gupta,
Mr. Vishwajeet Tyagi, Advocates for
R-2

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

11.03.2025

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I.A. 6452/2025 (Exemption)

Allowed, subject to all just exceptions.

ARB.P. 452/2025

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 XXI of the Notification of Award dated 01.05.2021 to adjudicate on the disputes which have arisen between the parties.

2. It is stated that under Notification of Award dated 01.05.2021, the Petitioner herein was awarded a contract by the Respondent No.2 for supply,



installation, testing, and commissioning of 10 units of 100 LPM and 10 units of 200 LPM Oxygen Generation Plants during the Covid-19 Pandemic. It is stated that the disputes have arisen between the parties due to non-payment of money. It is stated that Notice under Section 21 of the Arbitration Act was issued by the Petitioner on 12.06.2024 asking the Respondent to clear the dues of Rs.2,59,41,477/-. It is stated that the said Notice has not been replied to by the Respondent. The Petitioner has, thereafter, approached this Court by filing the present Petition. It is stated by the learned Counsel for the Petitioner that since the Contract was issued at the behest of Respondent No.1, this Court has the jurisdiction to entertain the present Petition.

3. Learned Counsel appearing for the Respondents states that the Respondents have 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, Mr. Shashank Garg, Senior Advocate (Mob: 9811526671) 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 11, 2025

Rahul