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

+ **ARB.P. 521/2025**

M/S SAM SURVEYORS AND ADJUSTERSPetitioner

Through: Mr. K.C. Dubey and Mr. Rishav
Dubey, Advocates.

versus

**THE EXECUTIVE DIRECTOR AREA II CONTAINER
CORPORATION OF INDIA LTD**Respondent

Through: Mr. Rishi K. Awasthi, Mr. Piyush
Vatsa and Mr. Rahul Raj Mishra, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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21.04.2025

1. This petition is preferred on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate upon the disputes between the parties.
2. Container Corporation of India Ltd/Respondent floated a Tender on 28.11.2023 for cargo handling at CFS Dronagiri Rail Terminal, Sector-2, Near Paghote Village, Dronagiri Node, Navi Mumbai and Petitioner was awarded the contract vide Letter dated 05.02.2024 for an initial period of five years (4+1). Petitioner avers that after awarding the contract, Respondent compelled the Petitioner to engage 111 Project Affected Persons (PAPs) for the said work *albeit* this requirement was neither stipulated in the open tender nor disclosed in the letter dated 05.02.2024. Number of disputes arose between the parties and in light of the arbitration clause in the contract, Petitioner sent a notice to the Respondent on 22.01.2025 claiming

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breach of the contract and unfair trade practices and sought appointment of the Arbitrator in terms of Clause 20 of the Tender document. Since there was no response from the Respondent, Petitioner filed the present petition.

3. Issue notice.

4. Learned counsel for the Respondent accepts notice on behalf of the Respondent and on instructions, submits that without prejudice to the rights and contentions of the Respondent to refute the claims of the Petitioner on merit, Respondent has no objection to appointment of a Sole Arbitrator by this Court.

5. Accordingly, with the consent of the parties, Mr. Pankaj Kumar, Advocate (Mobile No. 9311020997) is appointed as Sole Arbitrator to adjudicate the disputes between the parties. Arbitration will be conducted under the aegis of Delhi International Arbitration Centre (DIAC) and as per its procedures. Fees of the learned Arbitrator shall be paid in accordance with DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

6. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

7. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the parties are left open to be adjudicated by the learned Arbitrator.

8. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 21, 2025/shivam

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