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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 522/2025

M/S DELHI METRO RAIL CORPORATION LTD

.....Petitioner

Through: Mr. Rakesh Chaudhary, Adv.

versus

M/S PARSVNATH DEVELOPERS LTD

.....Respondent

Through: Mr. Karan Rajpurohit, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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14.05.2025

1. This is a petition filed under section 11 of Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties.
2. The petitioner and respondent entered into a Concession Agreement on 28.04.2006 in respect of site at Kashmere Gate Metro Station. The said Agreement contained arbitration clause being clause No. 11.2 which reads as under:-

“11.2 Arbitration

11.2.1 Procedure

Subject to the provisions of Clause 11.1, any Dispute, which is not resolved amicably, shall be referred to a panel of three (3) arbitrators in terms of the Arbitration & Conciliation Act, 1996. For this purpose, DMRC will make out a panel of five (5) possible arbitrators. Each party shall nominate an arbitrator



out of this panel submitted by DMRC and these two arbitrators will appoint the third arbitrator in writing and also inform the concerned parties about such appointment and call upon the other party to appoint its arbitrator. If within 15 days of receipt of such intimation the other party fails to appoint its arbitrator, the Party seeking appointment of arbitrator may take further steps in accordance with Arbitration & Conciliation Act, 1996. The arbitrator shall give item-wise and reasoned award. Where three (3) arbitrators have been appointed, the award of the majority will prevail.

11.2.2 Place of Arbitration

The place of arbitration shall be New Delhi.

11.2.3 English Language

The request for arbitration, the answer to the request, the terms of reference, any written submissions, any orders and awards shall be in English and, if oral hearings take place, English shall be the language to be used in the hearings. The award shall be made in writing.

11.2.4 Enforcement of Award

The Parties agree that the decision or award, which shall be a speaking order, resulting from arbitration shall be final and binding upon the Parties and shall be enforceable in accordance with the Provision of the Arbitration and Conciliation Act, 1996 subject to the rights of the aggrieved parties to secure relief from any higher forum.

11.2.5 *Performance during Arbitration Pending the submission of and/or decision on a Dispute and until the arbitral award is published, the Parties shall continue to perform their respective obligations under this Agreement without prejudice to a final*



adjustment in accordance with such award.”

3. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 29.05.2024 and thereafter filed the present petition.
4. Mr. Rajpurohit, learned counsel appears for the respondent and has no objection to appointment of an Arbitrator.
5. I am also satisfied that there are disputes pending between the petitioner and the respondent and the same needs to be resolved through arbitration process.
6. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Mr. Justice Najmi Waziri, (Retd.) (Mob. No. 9810097311) 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.

7. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

MAY 14, 2025 / (MS)

Click here to check corrigendum, if any