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

+ ARB.P. 561/2025 & I.A. 10756/2025, I.A. 14481/2025

M/S BRAITHWAITE AND CO. LTD. AND M/S COGNITION
PROJECTS PVT. LTD. (CONSORTIUM)Petitioner

Through: Ms. Amrita Panda, Mr. Ruchir Joshi,
Advocates

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Nishant Gautam, CGSC with
Mr.Prithviraj Dey, Mr. Shaurya Mani
Pandey, Advocates for R-1 & R-3
Mr. Rajeev Sharma, Adv for
Respondent No. 2

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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23.07.2025

1. This is a petition under Section 11 of the Arbitration & Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes which have arisen between the parties.
2. The Petitioner, being a consortium, emerged as the lowest bidder in a tender floated by Respondent No.2 and was awarded a contract for major upgradation of Railway Station of East Coast Railway on Engineering, Procurement and Construction (EPC) Mode.
3. Disputes arose between the parties and the Petitioner invoked Article 24.3 of the Agreement for appointment of an Arbitral Tribunal. The relevant portion of Article 24.3 of the Agreement reads as under:-



“24.3 Standing Arbitral Tribunal

xxx

24.3.14 The Arbitral Tribunal shall conduct the Arbitration proceedings at New Delhi.

xxx

24.3.18 The contract shall be governed by the law for the time being in force in the Republic of India. In case of any disputes/differences resulting in court cases between Contractor & Authority, the jurisdiction shall be of Courts at Delhi only.”

4. Since the contract stipulates that the seat of arbitration would be Delhi, this Court has jurisdiction to entertain this petition.
5. Accordingly, Justice L. Nageshwara Rao, former Judge of the Supreme Court of India, (Mob: 9810035984), 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. It is open for the learned Arbitrator to take the aid of an expert, if necessary.
8. 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 into Reference.
9. 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.

10. With these observations, the petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 23, 2025
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