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

+ **O.M.P.(I) (COMM.) 102/2025**

MS BEERENGAS INDIA PVT LTDPetitioner

Through: Mr. Amarjeet Kumar, Ms. Snigdha
Singh, Ms. Yashika Chadha, Advs.

versus

JINDAL SAW LIMITEDRespondent

Through: Mr. Ankit Jain, Sr. Adv. with Ms.
Preeti Goel, Mr. Anubhav Goel, Ms.
Rashmi Mishra, Ms. Priyanka
Dhyani, Ms. Apurva Tyagi, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

28.03.2025

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I.A. 8160/2025

1. Exemption is granted subject to all just exceptions.
2. The applicant(s) shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.
3. The application is disposed of.

O.M.P.(I) (COMM.) 102/2025

1. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking the following prayers:

“a) Pass an ex-parte ad interim order of protection in favour of the Petitioner and against the Respondent and thereby directing the Respondent to deposit the amount equivalent to the cost of 452 MT of LNG i.e., Rs.3,20,15,156/- in court in the form of security to safeguard the Petitioner’s financial interests.

b) Release of 50% of the said amount in favour of the Petitioner;



c) Pass an order allowing the Petitioner to demobilize the Plant and machinery installed at the Respondent's premises.

d) Pass an order directing the Respondent to facilitate and grant access to the plant for safekeeping of the Plant and machinery, till such time they allow demobilization of the equipment;”

2. In the present case, the petitioner entered into 2 contracts with the respondent, namely Purchase Order dated 03.01.2024 and Work Order dated 20.11.2023. The Purchase Order was for supply of 1100 MT of LNG and the Work Order was for leasing of LNG storage and regasification infrastructure. Both the contracts had an arbitration clause but separately worded.

3. Since there were disputes between the parties, the present petition has been filed seeking interim orders.

4. Mr. Kumar, learned counsel for the petitioner states that in the present case, claims arises from both the contracts.

5. After some arguments, with consent of parties, it has been decided that an arbitrator be appointed to adjudicate the disputes arising out of the Purchase Order dated 03.01.2024.

6. Mr. Jain, learned senior counsel for the respondent, on instructions states that even though notice under Section 21 of Arbitration and Conciliation Act, 1996 has not been given *vis-a-vis* Purchase Order dated 03.01.2024, this petition may be treated as a notice under Section 21 of Arbitration and Conciliation Act, 1996.

7. It is ordered accordingly.

8. With consent of parties, Mr. Anurag Ahluwalia, Senior Advocate (Mob. No. 9811418995) is appointed as a Sole Arbitrator to adjudicate the



disputes between the parties arising out of Purchase Order dated 03.01.2024.

9. The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').

10. The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

11. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.

12. 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 arising out of Purchase Order dated 03.01.2024, are left open for adjudication by the learned arbitrator.

13. The parties shall approach the learned Arbitrator within two weeks.

14. The petitioner is at liberty adjudicate the issues regarding Work Order dated 20.11.2023 in accordance with the terms of the Work Order.

15. With these directions, the petition is disposed of requesting the Arbitral Tribunal to consider the present petition as an application under Section 17 of Arbitration and Conciliation Act, 1996 and hear and dispose of the same expeditiously and in any case not later than 8 weeks from entering reference.

JASMEET SINGH, J

MARCH 28, 2025/DM

Click here to check corrigendum, if any