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

+ O.M.P. (COMM) 264/2023

M/S. M.V. OMNI PROJECTS (INDIA) LTD.Petitioner

Through: *Appearance not given.*

versus

UNION OF INDIA, THROUGH DY. CHIEF ENGINEER,
NORTHERN RAILWAYRespondent

Through: Mr. Ruchir Mishra, Mr. Sanjiv Kumar
Saxena, Mr. Mukesh Kumar Tiwari,
Ms. Poonam Shukla, Ms. Reba Jena
Mishra and Ms. Harshita Sharma,
Advocates.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
29.01.2025

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1. The Petitioner has approached this Court by filing the instant petition under Section 34 of the Arbitration and Conciliation Act, 1996 read with Section 151 CPC challenging the Award/Order dated 20.12.2022 passed by the Ld. Arbitral Tribunal.
2. Material on record indicates that the Arbitrator has been appointed unilaterally by the Union of India and the appointment is hit by the Judgment passed by the five-Judges Bench of the Apex Court in Central Organisation for Railway Electrification v. ECI SPIC SMO MCML (JV) a Joint Venture Company, **2024 SCC OnLine SC 3654**.
3. In view of the above, the Award/Order dated 20.12.2022 passed by the Ld. Arbitral Tribunal is set aside.



4. Parties are at liberty to follow the procedure as mentioned in the Arbitration Clause in the Contract for appointment of a fresh Arbitrator.
5. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JANUARY 29, 2025

RJ