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

+ ARB.P. 872/2025

RAMAYNA ISPAT PRIVATE LIMITED

.....Petitioner

Through: Mr. S. Kashyap, Ms. Nistha Gupta,
Mr. Anuj Panwar, Mr. Shksham
Gupta and Ms. Mahima Sadawat,
Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Ritin Rai, Senior Advocate with
Mr. Daksh Kadian, Ms. Anuja Tiwari
and Ms. Disha Chatta, Advocates.

+ O.M.P.(I) (COMM.) 203/2025 & I.A. 14761/2025, I.A. 15558/2025
REVIEW PET. 361/2025

RAMAYNA ISPAT PRIVATE LIMITED

.....Petitioner

Through: Mr. S. Kashyap, Ms. Nistha Gupta,
Mr. Anuj Panwar, Mr. Shksham
Gupta and Ms. Mahima Sadawat,
Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Abhishek Gupta, CGSC for UOI
with Mr. Rajeev Kumar Yadav,
Advocate for UOI.
Mr. Ritin Rai, Senior Advocate with
Mr. Daksh Kadian, Ms. Anuja Tiwari
and Ms. Disha Chatta, Advocates.



CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% 14.07.2025

REVIEW PETITION. 361/2025 in O.M.P.(I) (COMM.) 203/2025

1. The present Review Petition has been filed under Order XLVII Rule 1 read with Section 114 and 115 of the Code of Civil Procedure, 1908 seeking review of the consent order dated 28.05.2025.
2. Mr. Rai, learned senior counsel for the applicant/respondent states that the respondent has nominated Justice Rekha Palli, Former Judge of this Court, as its nominee arbitrator on 09.07.2025 and the learned Judge has accepted the nomination.
3. He states that the two documents evidencing the letter of nomination dated 09.07.2025 and the letter of acceptance by the learned Judge will be placed on record during the course of the day. He states that a copy thereof has been provided to the petitioner.

The copy of the said documents has also been handed across the bar.

4. He further submits that while the applicant/respondent does not dispute that the order dated 28.05.2025 records consent of its counsel at paragraphs nos. 14 and 15, however, such consent could not have been validly given in light of express language of Clause 31.4 of the Arbitration Agreement, which expressly vests the power to appoint the third arbitrator with the two nominee arbitrators.
5. He states that although the respondent has no objection to the Hon'ble Judge, who was appointed as the third arbitrator on 28.05.2025, a concern persists that consent to a Court-appointed third arbitrator may prejudice the



rights of the parties under the agreement, in the event a future substitution becomes necessary.

6. He states that the interim order dated 23.06.2025 may be continued until the Section 17 application is heard by the Tribunal.

7. Mr. Abhishek Gupta, learned CGSC, who represented Respondent/Union of India ('UOI') on 28.05.2025, states that though the statement made in Court was on the instructions of the officer concerned, however, he bona fide believes that there appears to be a disagreement with senior officials and if order is not recalled, it would cause prejudice to him; he therefore, prays that this application may kindly be allowed at his request.

8. In response, learned counsel for the petitioner/non-applicant, states that in view of the statement made by Mr. Abhishek Gupta, Advocate, he does not oppose this application and the same may be allowed.

9. This Court has heard the parties.

10. While, it is unfortunate that though order on 28.05.2025 was passed with the consent of the parties; as it apparent from the record it has led to an endless filing of application(s) and petition(s) for resiling from the said consent order. Ordinarily consent orders are not recalled by the Court and parties are bound by the same.

However, in view of the joint submissions made by the parties and more specifically the concern expressed by Mr. Abhishek Gupta, CGSC, so as to not cause any prejudice to him, the order dated 28.05.2025 is hereby recalled to the extent it records the appointment of the third arbitrator by name.

11. The nominee arbitrator of petitioner and respondent are requested to appoint the third arbitrator expeditiously and preferably within one (1) week.



12. Furthermore, in view of the submissions of the parties, the interim order dated 23.06.2025 shall continue to operate until the Arbitral Tribunal is duly constituted and it convenes its first hearing. Thereafter, any further extension or modification or variation of the said interim relief shall be decided by the Arbitral Tribunal in accordance with law and record of the proceedings.

13. The Respondent will ensure that its reply to the petition is filed.

14. With the aforesaid directions, the present review petition is disposed of.

15. The parties are directed to communicate this order to the Hon'ble Judge appointed as a third arbitrator vide order dated 28.05.2025. The registry is also directed to send a copy of this order to the Hon'ble Judge.

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16. Learned senior counsel for the respondent states that its nominee arbitrator has already been appointed.

17. In view of the order passed in O.M.P.(I) (COMM.) 203/2025, this petition also stands disposed of.

MANMEET PRITAM SINGH ARORA, J

JULY 14, 2025/mr/AKP