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

+ **ARB.P. 928/2024**

**MS BHARAT CONSTRUCTIONS INDIA PVT LTD .....Petitioner**  
**Through: Mr.Kailash Pandey and Mr.Ranjeet**  
**Singh, Advocates**

**versus**

**GANNON DUNKERLEY AND CO LTD .....Respondent**  
**Through: Ms.Pooja M. Saigal, Sr. Advocate with**  
**Mr.Simrat Singh and Mr.Ankit Mittal, Advocates**

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

**% 15.01.2025**

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation (Amendment) Act, 2015 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a Nominee Arbitrator of the respondent and a Third Arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into an Agreement dated 01.02.2018, Clause 24 of which provides that disputes with respect to the agreement shall be resolved through arbitration as per provisions of A&C Act. It further provides that place of arbitration would be at Delhi.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notices dated 13.12.2021 and 28.09.2023, issued under Section 21 of the A&C Act.



4. Learned counsels appearing for the parties, on instructions, submit that without prejudice to their rights and contentions to be taken in the arbitral proceedings, though the subject agreement stipulates reference of dispute to an Arbitral Tribunal comprising of 3 Arbitrators, the present disputes be referred to the Arbitral Tribunal comprising of a Sole Arbitrator.

5. Considering that both the parties have consented to the reference to the arbitral tribunal, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
- ii) Mr. Justice Siddharth Mridul (former Chief Justice of Manipur High Court) (Mob: 9871300042) is appointed as the sole Arbitrator to adjudicate the disputes between the parties.
- iii) 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'). The remuneration of the learned Arbitrator shall be in terms Schedule of fees maintained by DIAC or as the parties may agree.
- 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 on 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.

**MANOJ KUMAR OHRI, J**

**JANUARY 15, 2025**

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