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

+ **ARB.P. 1714/2024**

M/S VIHAAN NETWORKS PRIVATE LTDPetitioner

Through: Mr. Rajiv Nayar, Sr. Advocate with
Mr Abhishek Singh, Ms Alisha
Sharma, Mr Elvin Joshi,

versus

M/S BHARAT SANCHAR NIGAM LTDRespondent

Through: Ms. Leena Tuteja and Ms Ishita
Kadyan, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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29.01.2025

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the petitioner had carried out works under Tender bearing No. INWO/CM/LWE-BSS/T 468/2014 dated 07.04.2014 as well as the various Purchase Orders. Clause 20 of Section 5 Part A of the said tender provides that disputes 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 notice dated 26.08.2024, issued under Section 21 of the A&C Act.
4. Learned counsels for the parties, on instructions, jointly submit that the Arbitration Agreement not being denied, the disputes arising in the



context of the aforesaid tender be referred to the Arbitral Tribunal comprising of a Sole Arbitrator appointed by this Court.

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) Ms. Justice Hima Kohli, former Judge at Supreme Court of India, (Mob No. 9871300036) 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 of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
- iv) The learned Arbitrators shall 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/counter-claim, any other preliminary objection including on jurisdiction, as well as claims on merits of the dispute of either of the parties are left open for adjudication by the Arbitral Tribunal.
- vi) The parties shall approach the learned Arbitrators within two weeks from today.

MANOJ KUMAR OHRI, J

JANUARY 29, 2025/ga