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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (T) (COMM.) 128/2024
MULTI BROADCAST MEDIA THROUGH ITS SOLE
PROPRIETOR MR. SUNIL AGNIHOTRIPetitioner
Through: Mr. Ashish Khorana, Advocate

versus

PRASAR BHARTI (BROADCASTING CORPORATION OF
INDIA)Respondent
Through: Mr. Sahil Bhalaik, Mr. Ritik Arora,
Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **19.02.2025**

1. By way of present petition filed under Section 14 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks substitution of Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the disputes in the present case arise out of a Telecasting Agreement dated 25.02.2000. It is further submitted that the appointment of the arbitrator in the present case is in teeth of established principles of law as laid down in Perkins Eastman Architects DPC and Anr v. HSCC (India) Ltd reported as **(2020) 20 SCC 760**.
3. At this stage, learned counsel appearing for the respondent, on instructions, submits that the respondent has no objection to the prayer made in the petition and to the appointment of a fresh Sole Arbitrator.



4. Considering that both the parties have consented to the fresh reference, the present petition is disposed of with the following directions:-

- i) Mr. Justice Pradeep Nandrajog, former Chief Justice at Hight Court of Mumbai, (Mob: 9818000130) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
- ii) 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.
- iii) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.
- iv) It is made clear that all the rights and contentions of the parties, including as to the existence and validity of arbitration agreement, 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.
- v) The parties shall approach the learned arbitrator within two weeks from today.

MANOJ KUMAR OHRI, J

FEBRUARY 19, 2025/rd