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

+ **O.M.P.(I) (COMM.) 373/2024**

JITF WATER INFRASTRUCTURE LTDPetitioner

Through: **Mr. Pawan R. Upadhyay and Mr.
Varun Sharma, Advocates.**

versus

TAPI PRESTRESSED

PRODUCTS LIMITED & ANR

.....Respondents

Through: **Mr. L.R. Goyal and Mr. Hrithik
Goyal, Advocates for respondent no.2**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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27.01.2025

1. This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks interim directions.

2. Learned counsel for the petitioner submit that the parties had entered into a Joint Venture agreement on 08.06.2012 to work together on the project in the name and style "Tapi-JWIL JV." In December 2012, a work order was issued by DJB (Employer) and a contract agreement was entered between the Employer and JV. Simultaneously, the parties entered into a supplementary agreement regarding the work percentage and contract amount stated as JWIL 49% and TAPI 51 %. Clause 21.5 of the Supplementary Joint Venture Agreement and as per Clause 13 of JV Agreement stipulates resolution of dispute through arbitration and further provides for the seat of the arbitration to be at Delhi.



3. After some initial submissions, learned counsels for the parties, on instructions, submit that the Arbitration Agreement not being denied, the disputes arising in the context of the Joint Venture Agreement dated 08.06.2012, be adjudicated through arbitration and the present petition itself be treated as an application under Section 17 of the A&C Act. They further pray that a sole Arbitrator be appointed as envisaged in the subject Agreement.

4. Considering that both the parties have consented to the reference of the disputes 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) Justice Rajiv Shakdher, former Chief Justice of High Court of Himachal Pradesh (Mob.No. 9717495004) 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 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 claims/counter claims, 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 27, 2025/rd