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

+ **ARB.P. 1686/2025 & I.A. 25529/2025**

M/S V.S.SETHIA AND COMPANY

.....Petitioner

Through: Mr. BS Mathur, Adv.

versus

**UNION OF INDIA THROUGH THE SECRRTARY, MINISTRY OF
DEFENCE & ANR.**

.....Respondents

Through: Dr. B Ramaswamy, CGSC.

Mr. Farman Ali, CGSC, Ms. Usha
Jamnal, GP

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **18.12.2025**

1. This Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate on the disputes which have arisen between the parties under Contract dated 22.10.2007.

2. It is stated that under the said Agreement, the Petitioner was to supply turpentine oil to the Respondents. It is stated that disputes arose between the parties under the contract and an Arbitral Tribunal was constituted to adjudicate upon the disputes. It is stated that the Arbitral Tribunal passed an award on 30.12.2015. It is stated that the said Award was challenged by the Petitioner by filing a Petition under Section 34 of the Arbitration and Conciliation Act, 1996, being Arbitration No. 13089/16, before the learned District Judge – 01, New Delhi District, Patiala House Courts, New Delhi. It



is stated that *vide* Order dated 13.05.2024, the learned District Judge has set aside the Award. It is stated that after the award was set aside, the Petitioner herein requested the Respondents for releasing the forfeited performance security. It is stated that since the Respondents have not released the performance security, the Petitioner has approached this Court by filing the present Petition.

3. Learned Counsel appearing for the Respondents state that they have no objection to the present Petition.

4. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the Agreement, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.

5. Accordingly, Ms. Radhika Roy, Adv. (Mob: 9650605676) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

6. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

7. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act within two weeks of entering the reference.

8. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

9. Needless to say, nothing in this order shall be construed as an expression on the merits.



10. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 18, 2025

Rahul