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

+ **ARB.P. 2108/2024**

NKG INFRASTRUCTURE LIMITED

.....Petitioner

Through: Ms. Risha Mittal, Mr. Sanchit Gupta
and Mr. Md. Adil Alam, Advocates

versus

**UNION OF INDIA THROUGH DIRECTOR GENERAL
MARRIED ACCOMMODATION PROJECT & ANR.**

.....Respondent

Through: Ms. Monika Arora (CGSC), Mr.
Subhrodeep Saha, Mr. Prabhat
Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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14.02.2025

I.A. 3936/2025

1. This application under Section 152 CPC has been filed on behalf of the Respondent for modification/clarification of Order dated 13.01.2025 passed by this Court.
2. The present arbitration petition was filed for appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties regarding construction of a residential accommodation at Bikaner. It is stated that Contract dated 08.09.2010 has been entered into between the parties. The contract contains an Arbitration Clause.
3. *Vide* Order dated 13.01.2025, this Court had appointed Mr. Arvind



Kumar Arora, former DG (Pers), MES as the Arbitrator to adjudicate upon the disputes between the parties.

4. It is stated by learned Counsel for the Respondent that what transpired on that date was that a list of Arbitrators was given to the Counsel and the Counsel agreed for one name which was accepted by the Court. It is also stated that the said document was a list of empanelled arbitrators which contained a fee structure and therefore, there will be difficulty for the Arbitrator continuing with the arbitration at the fee prescribed in the document.

5. This Court is not in a position to accept the contentions made by the learned Counsel for the Respondent. The appointment is by Court and not by consent from a list of arbitrators. The same does not amount to a unilateral appointment or an appointment from an empanelled list of Arbitrators.

6. Learned Counsel for the Petitioner states that the Arbitrator selected by this Court is also empanelled with DIAC.

7. In view of the above, the Order dated 13.01.2025 does not require any modification.

8. The Arbitrator will be governed by the fees under the DIAC. It is made clear that the appointment is not on the basis of an empanelled list but an appointment by the Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 to be conducted under the aegis of the DIAC.

9. The application is dismissed.

SUBRAMONIUM PRASAD, J

FEBRUARY 14, 2025

RJ