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

+ **ARB.P. 45/2025**

AMIT MINES PRIVATE LIMITED

.....Petitioner

Through: Mr. Sameer Parekh, Ms. Smita Bhargava, Mr. Aditya Sharma, Ms. Sreeparna Basak, Mr. Jayant Bajaj and Ms. Aditi, Advocates.

versus

STEEL AUTHORITY OF INDIA LTD

.....Respondent

Through: Mr. Sharat Kapoor, Mr. Shubh Kapoor, Ms. Bhavyah Garg and Mr. Suyash Kumar, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

01.05.2025

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1. This petition is preferred on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
2. Petitioner is a private limited company incorporated under the Companies Act, 1956 and is engaged in the business of mining of iron ores etc. Respondent is also a limited company incorporated under the Companies Act, 1956 and is engaged in the business of mining and production of iron and steel and manufacture and sale of steel products.
3. It is the case of the Petitioner that it was awarded a Work Order dated 04.01.2018 by the Respondent, pertaining to excavation and transportation



of materials from designated slag and muck dump sites to processing facilities for recovery of scrap through various means into various fractions of sizes 2-15 mm, 15-70 mm, 70-250 mm and 250 mm to one ton and also to retrieve iron slag boulders. The original complete period was 36 months from 04.01.2018 or 42 months from issuance of Sale Order, whichever was earlier.

4. Disputes having arisen between the parties, Petitioner issued notice on 01.10.2024 invoking Conciliation under Clause 38 of SAIL S-1 (General Terms and Conditions of Sale through tender from Plants and Units of SAIL) and Clause 37 of SAIL FA-1 (General Terms and Conditions of Sale from Plants/Units of SAIL for sale through Online Auction/Forward Auction) requesting the Respondent to respond within 30 days but there was no response. On 20.11.2024, Petitioner sent notice invoking arbitration under the aforesaid Clauses and proposed three names requesting the Respondent to select a Sole Arbitrator within 30 days. The Respondent, however, claimed that the power to appoint the Arbitrator vested in the Respondent and accordingly, proposed three names, to which Petitioner was not agreeable and hence, this petition is filed.

5. Learned counsel for the Respondent submits, on instructions, that Respondent has no objection to the appointment of a Sole Arbitrator by this Court and proposes the name of Mr. Justice Badar Durrez Ahmed, former Chief Justice of Jammu and Kashmir High Court, to which counsel for the Petitioner has no objection.

6. Accordingly, with the consent of the parties, Mr. Justice Badar Durrez Ahmed, former Chief Justice of Jammu and Kashmir High Court, (Mobile No. 7042205786), is appointed as the Sole Arbitrator to adjudicate the



disputes between the parties. Arbitration proceedings will be held under the aegis of DIAC and as per its Rules. Fee of the Arbitrator shall be fixed as per fee schedule of DIAC Rules 2018.

7. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

8. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open.

9. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

MAY 1, 2025
S.Sharma