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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 112/2025

M/S J. KUMAR-CRTG JV

.....Petitioner

Through: Dr. Shashwat Bajpai and Ms. Simran,
Advs.

versus

DELHI METRO RAIL CORPORATION LTD.Respondent

Through: Mr. Tarun Johri, Mr. Ankur Gupta
and Mr. Vishwajeet Tyagi, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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22.01.2025

1. The instant petition prays for the following relief:-

“a) Appoint arbitrator to arbitrate upon the dispute between the parties as per procedure for appointment of Arbitrator as stipulated under Clause 17.9 of the Contract Agreement dated June 2011.”

2. On 17.01.2025, this Court has passed the following order:-

“ARB.P. 112/2025

1. The petitioner in the instant petition prays for the following relief:-

“a) Appoint arbitrator to arbitrate upon the dispute between the parties as per procedure for appointment of Arbitrator as stipulated under Clause 17.9 of the Contract Agreement dated June 2011.”

2. Heard learned counsel appearing on behalf of the petitioner.

3. Issue notice.

4. Mr. Tarun Johri, Advocate appearing on behalf of the respondent accepts notice. He submits, on instructions, that if the petitioner and the respondent are granted liberty to suggest their nominee or arbitrator, the Court, thereafter, may consider to direct the nominees to appoint the empire.



5. In view of the aforesaid, the hearing of this case stands deferred till the next date of hearing to enable learned counsel for the parties to suggest their nominee/arbitrator.

6. List on 22.01.2025.”

3. Learned counsel for the petitioner proposes the name of Hon'ble Mr. Justice Rajiv Shakdher (Former Chief Justice of High Court of Himachal Pradesh), on the other hand, learned counsel for respondent proposes the name of Mr. Anurag Sachan, IRSE (Retired) Managing Director, DFCCIL.

4. With the consent of the parties, Hon'ble Mr. Justice Rajiv Shakdher (Mobile No. 9717495004, Email ID: rajivshakdher62@gmail.com) and Mr. Anurag Sachan (Mobile No. 9560763330, Email ID: aksachan31@gmail.com) are appointed as arbitrators. They shall mutually appoint a presiding arbitrator and the same shall then constitute the Arbitral Tribunal.

5. The Arbitral Tribunal shall be entitled to fee in accordance with the IVth Schedule of the A&C Act; or as may otherwise be agreed to between the parties and the Arbitral Tribunal.

6. The parties shall share the arbitrator's fee and arbitral cost, equally.

7. All rights and contentions of the parties in relation to the claims/counterclaims are kept open, to be decided by the Arbitral Tribunal on their merits, in accordance with law.

8. Needless to say, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the controversy between the parties. All rights and contentions of the parties in this regard are reserved. Let the copy of the said order be sent to the newly appointed Arbitrators through the electronic mode as well.



9. Accordingly, the instant petitions stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J
JANUARY 22, 2025/DPA/MJO