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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **ARB.P. 199/2025**  
**NCC PREMCO JV THROUGH ITS AUTHORIZED**  
**REPRESENTATIVE** .....Petitioner  
Through: Ms. Medhavi Bhatia, Advocate.

versus

**RAIL VIKAS NIGAM LIMITED** .....Respondent  
Through: Mr. Udit Seth and Mr. Roshan Roy,  
Advocates.

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**  
**10.03.2025**

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1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), petitioner seeks appointment of Arbitral Tribunal comprising of three Arbitrators, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a General Contract Agreement dated 22.05.2013 and Clause 20.3 of the same stipulates resolution of disputes with respect to the Agreement through arbitration. The Clause further provides for the place of arbitration to be at New Delhi. The petition is accompanied with notice under Section 21 of the A&C Act issued on 25.11.2024.
3. Learned counsel for the respondent submits that though he has certain objections to the appointment, without prejudice to its rights and contentions, in case the Court is inclined to refer the dispute to arbitration, he seeks liberty that all contentions and objections remain open to be urged



before the Arbitral Tribunal so constituted.

4. In terms of Clause 20.3.2 of the subject Agreement, the reference is to be made to an Arbitral Tribunal comprising of three Arbitrators, where the petitioner and the respondent shall each appoint one Arbitrator and such appointed Arbitrators shall appoint the Presiding Arbitrator. Learned counsel for the petitioner states, upon instructions, that the petitioner has proposed the name of Hon'ble Mr. Justice Sri N.R.L. Nageswara Rao, Former Judge of the Andhra Pradesh High Court as its nominee Arbitrator.

5. At this stage, learned counsel for the respondent submits that the respondent appoints Hon'ble Ms. Justice R. Banumathi, Former Judge of the Supreme Court of India as its nominee Arbitrator.

6. Accordingly, the present petition is disposed of with the following directions:

- i) Mr. Justice Sri N.R.L. Nageswara Rao, former Judge of the Andhra Pradesh High Court (Mob. No.9959377667) and Ms. Justice R. Banumathi, former Judge of the Supreme Court of India (Mob. No. 7042955477) are appointed as the Arbitrators who shall choose and appoint the Presiding Arbitrator, to adjudicate the disputes between the parties.
- ii) 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.
- iii) The learned Arbitrators shall furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.



- iv) It is made clear that all the rights and contentions of the parties, including on the existence and validity of the Arbitration agreement, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by either of the parties, are left open for adjudication by the learned Arbitrator.
- v) The parties shall approach the learned Arbitrators within four weeks from today.

**MANOJ KUMAR OHRI, J**

**MARCH 10, 2025/rd**