

(2021) 09 DEL CK 0296

In the Delhi High Court

Case No : Arbitration Petition No. 38, 39 Of 2021

Akash Builders Thru. A.R.

APPELLANT

Vs

Union Of India Thru Sr.Den -V Northern Railway

RESPONDENT

Date of Decision : 13-09-2021

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 11(6), 12(2)

Citation : (2021) 09 DEL CK 0296

Hon'ble Judges : C. Hari Shankar, J

Bench : Single Bench

Advocate : Amit Dubey, JK Singh, Amit Kumar

Final Decision : Disposed Of

Judgement

C. Hari Shankar, J

1. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ("the 1996 Act" in short), for appointment of an arbitrator, to arbitrate on the disputes between the parties.

2. Though Mr. Singh, learned Counsel for the respondent, had initially opposed the reference of disputes to arbitration, on the last date of hearing, i.e. on 9th September, 2021, however, in view of the order passed in ABC Experts & Engineers v Union of India MANU/DE/1700/2021, he agreed to a reference of disputes to arbitration, leaving open, all contentions that his client might seek to urge in its support in the arbitral proceedings.

3. Mr. Singh, has, thereafter, placed on record, the list of arbitrators maintained by the respondent, out of which, Mr. Dubey, learned Counsel for the petitioner had, on instructions, agreed to select the arbitrator to arbitrate on the various disputes.

4. Mr. Dubey has, thereafter, on instructions, agreed to arbitration of the disputes in this petition, by Mr. Aditya Kumar Mittal, IRSE (Retd.), who figures at Serial

No. 26, of the list of arbitrators maintained by the respondent.

5. Accordingly, the disputes between the parties stand referred to Mr. Aditya Kumar Mittal, for arbitration.

6. This court does not express any view on the contentions involved in this matter, and all contentions of fact and law including the arbitrability of the dispute shall remain open to be urged and contested by both sides before the learned Arbitrator.

7. The learned Arbitrator would be entitled to fees, in accordance with the Fourth Schedule of the 1996 Act or as otherwise agreed upon between the parties.

8. The learned Arbitrator would furnish the requisite disclosure under Section 12(2) of the 1996 Act, within a week of entering on reference.

9. With the aforesaid directions, this petition stands disposed of.