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

+ IA No. 5563/2013 in O.M.P. 106/2013

DHOOT DEVELOPERS PVT LTD & ANR Petitioners
Through: Mr Sandeep Sethi, Sr. Adv. with Mr
Rajat Joneja, Adv.

versus

DIRECTORATE GENERAL MARRIED
ACCOMMODATION PROJECT Respondent
Through: Mr Jaswinder Singh, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
09.07.2013

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This is a petition filed under Section 9 of the Arbitration & Conciliation Act, 1996 (1996 Act). After some arguments, learned senior counsel for the petitioner Mr Sethi, on instructions, says that if the respondent were to appoint an arbitrator in terms of clause 60 of the general conditions of the contract obtaining between the parties, then the captioned petition can be decided by the arbitrator so appointed in terms of the said clause.

Mr Singh says that the first proviso to clause 60 of the general conditions, which contains the arbitration agreement between the parties, requires alternate arrangement to be finalized by the Government to get the works completed by or through any contractor or other agency. He informs me, on instructions, that the said process is underway and that it will take four months. The NIT has been issued against which applications have been

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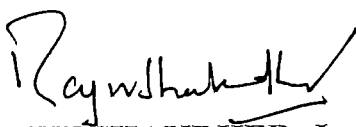
received and the tender will be issued thereafter. As indicated above, this process will take four months. ✓

Accordingly, both counsels agree that the petition can be disposed of with a direction for appointment of an arbitrator, in terms of clause 60 of the agreement. It is ordered accordingly.

On the arbitrator being appointed, the captioned petition shall be placed before him and he will treat the same as an application under Section 17 of the 1996 Act. It is made clear that arbitrator will give due opportunity to the parties to represent their case. The respondent will be at liberty to file its reply to the said application. The petitioner may file its rejoinder, if necessary. If necessary, the petitioner will also be at liberty to move other interlocutory applications under Section 17 of the 1996 Act. The arbitrator shall dispose of the application within eight weeks from the date of his entering upon reference.

Pending the disposal of the petition, interim order dated 27.02.2013 will continue to operate. The arbitrator will be free to vacate or modify or affirm or even expand the scope of the interim order dated 27.02.2013, in accordance with law.

The application is, accordingly, disposed of with the aforesaid directions.


RAJIV SHAKDHER, J

JULY 09, 2013
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— fresh 14.19488/13 H30/151 (for extension of
Time for compliance
order dt 09-07-13