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

+ **ARB.P. 316/2012**

M/S RAVI BUILDERS

..... Petitioner

Through **Mr.Moni Cimmoy, Adv.**

versus

NORTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through **Mr.Anshuj Dhingra, Adv.**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

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19.02.2013

The present petition has been filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator.

The case of the petitioner is that the petitioner was awarded the work of construction of Multistoried School Building at Turkman Gate (Balance Work) in S.P. Zone. It is stated in the petition that the work was completed to the entire satisfaction of the respondent on 30th September, 2009 and after completion of the work, the measurements were done and duly recorded in the measurement book, however, the final bill was not prepared by the respondent. Thereafter, the petitioner wrote various letters to the respondent for clearance of the pending bills. However, the payment was not made by the respondent. Being aggrieved, the petitioner sent a notice dated 26th April, 2012 invoking the arbitration clause and requested for appointment of an arbitrator as the disputes arose between the parties with

regard to non-payment of bills and security deposit along with other claims. However, the respondent failed to appoint the arbitrator within the stipulated time. Hence, the present petition has been filed by the petitioner for appointment of an arbitrator.

From the aforesaid, it is clear that a binding arbitration agreement is in existence between the parties and the claims appear to be live from the correspondence placed on record. Since the respondent has failed to appoint an arbitrator within stipulated time, the present petition is allowed. Justice S.N. Aggarwal, retired Judge of High Court, 45/5, Rajpur Road, Delhi-54, (Mob.9425309494), is appointed as sole Arbitrator to adjudicate the dispute between the parties. The fee shall be paid to the sole Arbitrator as per rules maintained by Delhi High Court Arbitration Centre. Parties shall appear before him on 4th March, 2013. Sole Arbitrator shall give prior notice to both the parties before commencing the proceedings. The petition stands disposed of.

A copy of the order be communicated to the sole Arbitrator for information and also to both parties.


MANMOHAN SINGH, J.

FEBRUARY 19, 2013/jk