

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

% Dated of Decision: 18.09.2015

+ ARB.P. 281/2014

M/S PRIMO CONSTRUCTION CO Petitioner
Through: Mr. S.K. Upadhyay, Advocate.

versus

ENERGO ENGINEERING Respondents
PROJECTS LTD AND ORS
Through: Ms. Vaishali Kakra and Mr. Irfar
Ahmed, Advocates.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGEMENT

1. The petitioner is seeking appointment of an arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996.
2. There is a valid arbitration agreement between the parties contained in clause No.19 of the agreement dated 5th March, 2004. Disputes have arisen between the parties under the agreement. The petitioner has validly invoked the arbitration vide notice dated 10th December, 2013.
3. The petition is allowed and Mr. Justice R.C. Jain (Retd.) is appointed as sole arbitrator to adjudicate the disputes between the parties including their claims and counter-claims.
4. The arbitration shall take place under the aegis of Delhi International Arbitration Centre ('DAC'). The fees of the learned Arbitrator shall be in terms of the Delhi International Arbitration Centre (DAC) (Administrative Cost Arbitrator's Fees) Rules.
5. Copy of this order be given *dasti* to counsel for the petitioner under

the signature of the Court Master. A copy of this order be delivered to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

J.R. MIDHA, J.

September 18, 2015
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