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IN THE HIGH COURT OF DELHI AT NEW DELHI

ARB.P. 49/2016

KIRAN CONSTRUCTION CO. Petitioner
Through: Mr. R.Rajappan, Advocate with Ms.
Rajashree, Advocate.

versus

UNION OF INDIA Respondent
Through Mr.Ajay Digpaul, Advocate

CORAM: JUSTICE S.MURALIDHAR

ORDER

% **05.10.2016**

1. The mediation proceedings have failed. Learned counsel for the Respondent states that by letter dated 20th August, 2015 the Petitioner was asked to submit the request for appointment of an Arbitrator “in the prescribed Proforma along with the details in support of each claimed amount”. According to the Respondent till date no such request in the prescribed Proforma has been received by the Respondent. It is assured that if such a request is received, the Respondent will take steps to appoint the Arbitrator.

2. The court finds that the Arbitration Clause which is Clause 25 (ii) itself envisages that the party invoking arbitration shall give a list of disputes with amounts claimed in respect of each such dispute along with the notice for appointment of arbitrator and giving reference to the rejection by the Chief Engineer of the appeal.

3. Learned counsel for the Petitioner is unable to place before the court a copy of any such request complying with the above condition and making a request for reference to the arbitration in the prescribed proforma.

4. The Petitioner shall within four weeks from today make a request for arbitration consistent with the above requirement in clause 25(ii) and within four weeks of receipt of such request, if it is in order, the Respondent will proceed to appoint the arbitrator and immediately thereafter inform the Petitioner of such appointment in terms of the agreement.

5. The petition is disposed of in the above terms.

6. Copy of the order be given *Dasti* under the signature of Court Master.

S.MURALIDHAR, J

OCTOBER 05, 2016

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