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

+ ARB.P. 156/2016

SPACE 4 BUSINESS SOLUTION PVT. LTD. Petitioner
Through Mr.Durgesh Gupta, Adv.

versus

THE DIVISIONAL COMMISSIONER/PRINCIPAL SECRETARY
& ANR. Respondents
Through Mr.Peeyoosh Kalra, Adv.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **31.05.2016**

In Arb.P.242/2015 between the parties, on 11th August, 2015 the following was passed:

"1. Learned counsel for the respondents submits that clause 29 of the tender document provides for reference of disputes for resolution initially to Secretary (Revenue), Revenue Department of Govt. of NeT of Delhi and in the event of the same not being resolved, Revenue Department has to appoint the arbitrator. Clause 29 of the tender document is reproduced herein below:-

"Any controversy or dispute arising out of this contract shall be referred to Secretary Revenue, Revenue Department and if the same is not resolved then the matter shall be referred to the Arbitrator appointed by the Revenue Department."

2. Learned counsel for the respondents submits that the petitioner has not approached the Secretary (Revenue) in terms of clause 29. In view of that matter, this petition be treated as reference to the Secretary (Revenue) who shall afford the opportunity of hearing to resolve the same in terms of clause 29 within six weeks and if the disputes are not resolved within that period, the Revenue Department shall appoint an arbitrator within six weeks thereafter. The Secretary (Revenue) shall inform the date of hearing to the petitioner as well as counsel.

3. The petition is disposed of on the above terms.

4. Copy of this order be given *dasti* to counsels for both the parties under signature of Court Master.”

The said order is not complied with by the respondents as no evidence is available on record. In view of the same, the prayer made in the petition is allowed. The matter is referred to the Delhi International Arbitration Centre (‘DAC’) who will appoint an Arbitrator in accordance with the provisions of the Act. The Arbitrator to adjudicate the disputes arising out of the agreement in question between the parties as mentioned in the present petition. The parties are also allowed to file their respective claims and counter-claims before the Arbitrator.

The arbitration shall take place under the aegis of DAC. The Arbitrator shall ensure the compliance of the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fees of the learned Arbitrator shall be in terms of the Delhi International Arbitration Centre (Administrative Cost Arbitrator’s Fees) Rules.

The petition is accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the parties

and a copy thereof be delivered to the Additional Coordinator, DAC forthwith.

MAY 31, 2016/jk

MANMOHAN SINGH, J.