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

+ **O.M.P. (T) (COMM.) 37/2016 & IA No. 6119/2016**

S.P. SINGLA CONSTRUCTIONS PVT LTD Petitioner

Through Mr Anirudh Wadhwa, Mr Abhinandan
Banerjee, Advocates.

versus

GOVERNMENT OF NCT OF DELHI Respondent
Through Mr Gautam Narayan, ASC GNCTD with
Ms Shruthi Parasa and Mr Bansh Raj, EE, PWD
R-GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.09.2016

Mr Gautam Narayan, Learned standing counsel appearing for Government of NCT of Delhi, states on instructions, that without prejudice to its views, the respondent is willing to appoint Mr A.K. Bhatnagar, Retired ADG (CPWD) as an Arbitrator. He further states that the arbitrator earlier appointed will be requested to recuse from the case.

Mr Anirudh Wadhwa, learned counsel appearing for the petitioner states, on instructions, that his client has no objection to Mr A.K. Bhatnagar being appointed as the sole arbitrator even though he is a retired officer of CPWD. He, however, states that the petitioner has in certain other matters, taken a stand that retired officers of a department cannot act as arbitrator in disputes involving the said department. He submits that it should be recorded that his consent is without prejudice to the stand of the petitioner in

those matters. However, in so far as the current disputes are concerned, his client would have no objection for appointment of Mr A.K. Bhatnagar as the sole arbitrator. Mr Gautam Narayan concurs with the aforesaid. Accordingly, with the consent of the parties, the present petition is disposed of by appointing Mr A.K. Bhatnagar as the sole arbitrator for adjudicating the disputes between the parties.

Mr Narayan further points out that the petitioner has not paid the fee of Mr K.N. Agarwal. It is clarified that the respondent is at liberty to pay the fee to Mr K.N. Agarwal and such fee shall be subject to the decision of the sole arbitrator. No objection would be taken by the petitioner regarding the arbitrability of any such claim that may be raised by the respondent.

The parties have further clarified that the present order will not in any manner be construed to mean that Mr K.N. Agarwal, was in any manner disqualified from hearing the present disputes between the parties or was in any manner biased or there was any likelihood of any bias.

The petition is disposed of with the above observations/directions and with the consent of the parties.

VIBHU BAKHRU, J

SEPTEMBER 14, 2016

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