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

+ **O.M.P. 415/2008**

M/s. DIGVIJAY SANITATION Petitioner
Through: Mr. Vivekanand, Advocate.

versus

DELHI JAL BOARD & ANR. Respondents
Through: None.

CORAM: JUSTICE S.MURALIDHAR

% **ORDER**
25.11.2016

1. None appears for the Respondent.

2. The challenge in this petition is to an Award dated 30th April, 2008 passed by the sole Arbitrator in the disputes between the Petitioner and Respondent No.1 arising out of an agreement dated 29th March, 1993 for execution of the work of laying, jointing and commissioning of 1200 mm dia PSC/MS water mains from Najafgarh Drain bridge to Najafgarh Road, Near Hastal Colony.

3. The impugned Award is 9 pages in all. Till page 7, the learned Arbitrator sets out the basic facts of the claims of the Petitioner. In page 8, in one paragraph, he summarises the entire case of the Respondent No. 1. Then in page 9, in one paragraph, the Award is passed as under:

“In view of the above observations I make this award this day of 30th April, 2008 and make and publish this award that Delhi Jal Board cannot escape the responsibilities of delays occurred on account of

providing clear site, permissions for cutting the roads, cutting the trees, inferior quality pipes and untimely supply of pipes to the contractor as provision for providing material is the responsibility of Delhi Jal Board. I, Surinder Gandotra, arbitrator in my considered opinion direct Delhi Jal Board to pay a sum of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand only) to the contractor M/s. Digvijay Sanitations within a period of one month from the date of the award. If Delhi Jal Board fails to pay a sum of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand only) to the contractor M/s. Digvijay Sanitations within a period of 30 days for any reason, then M/s. Digvijay Sanitations is entitled to 10% interest on this amount of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand only) from the date of award till its full realization. No order for cost of litigation. Both the parties will bear costs at actual. The claim of Delhi Jal Board is dismissed.

Given under my hand and seal 30th day of April, 2008.”

4. It is pointed out by learned counsel for the Petitioner/Claimant that there were five separate claims which required individuated consideration. The learned Arbitrator has not considered it necessary to follow the mandate of Section 31(3) of the Arbitration & Conciliation Act, 1996 to state the reasons particularly since the parties had not agreed that no such reasons need to be given.

5. The Court is unable to sustain the impugned Award and it is accordingly set aside.

6. The petition is allowed but in the circumstances no orders as to costs.

NOVEMBER 25, 2016
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S. MURALIDHAR, J.