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IN THE HIGH COURT OF DELHI AT NEW DELHI

ARB.P. 264/2016

BLUE STAR

..... Petitioner

Through Mr.S.K.Gandhi and Mr.Aditya
Kapoor, Advocates.

versus

EXACT DEVELOPERS & PROMOTERS PVT LTD..... Respondent

Through Mr.Bipin K. Dwivide and Mr. Abrar
Ali, Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

% **05.10.2016**

1. This is a petition seeking the appointment of an Arbitrator to adjudicate the disputes arising between the parties out of the work order dated 30th March 2009, issued to the Petitioner by the Respondent.

2. The work order itself states that Work Order along with its enclosures mentioned therein below shall be deemed to be part of the contract agreement. The enclosures which form part of contract are the tender document, technical specifications, annexures A,B, C, D & points confirmed, and the bill of quantity.

3. It is not in dispute that the tender documents include the terms and conditions which contain the Arbitration clause. The objection by the

Respondent that the tender document has not been signed by the Respondent is to no avail since the work order itself makes it explicit that it forms a part thereof.

4. The Respondent having failed to appoint an Arbitrator in terms of the Arbitration clause cannot insist that an Arbitrator should be appointed in terms of the said clause.

5. The court accordingly, appoints Mr.S.L.Khanna, (Mobile:9810688466) a former Additional District & Sessions Judge, as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules.

6. The petition is disposed of. A copy of this order be communicated to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

S.MURALIDHAR, J

OCTOBER 05, 2016

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