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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 288/2015

ATUL KUMAR GUPTA

..... Petitioner

Through: Mr. Mayak Wadhwa Mr. Ashwini
Kumar, Advocates.

versus

ERA INFRA ENGINEERING LTD

..... Respondent

Through: Mr. Nilava Banerjee, Advocate

CORAM: JUSTICE S.MURALIDHAR

ORDER

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02.11.2016

1. There are two objections raised to the appointment of an Arbitrator. The first is on the ground of limitation.
2. As far as the above objection of limitation is concerned, the Petitioner has filed a bunch of additional documents on 25th March, 2016 which *inter alia* appear to indicate that some additional work was also allotted by the Respondent to the Petitioner sometime in September 2012. It also shows that bills were raised even in 2014.
3. While the Court would not like to express any opinion on the basis of the above documents, the Court is of the view that this issue should be examined by the Arbitrator.
4. The second objection is that the Petitioner has, while sending the notice to the Respondent, combined the claims under two different contracts whereas

the invocation of the arbitration clause should have been done separately in respect of each of the contracts.

5. It will be open to the Respondent to raise even the second objection before the learned Arbitrator under Section 16 of the Act and the said issue will also be considered by the Arbitrator in accordance with law.

6. The Court, accordingly, appoints Mr. H.P. Sharma, former District and Sessions Judge (Mobile No.9136524011) as the 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 fee of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators Fees) Rules.

7. 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

NOVEMBER 02, 2016
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