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

+ **ARB.P. 614/2016**

SMAT FORMS

..... Petitioner

Through : Mr Durgesh S. Gupta, Advocate.

versus

DELHI STATE AIDS CONTROL SOCIETY & ANR.... Respondents

Through : Ms Isha Khanna, Advocate and

Mr Suravi Bora, Advocates for R1 and R2.

Mr Madhu Sharma, Dy. Director (F)

DSACS.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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07.11.2016

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), inter alia, praying that an Arbitrator be appointed.

2. The petitioner is engaged in the business of organizing of Events, providing printed materials, printing of banners and other related activities. It is further stated that the respondent No.1 (hereafter 'DSACS') placed a Work Order on the petitioner. The petitioner supplied various materials, against invoices which were paid by the respondents. In terms of the Work Order, the petitioner deposited a sum of Rs.50,000/- as Earnest Money Deposit (EMD) with the Projector Director, DSACS, Delhi by way of Manager's Cheque bearing No. 005474 dated 12.07.2012 drawn on HDFC Bank, Delhi.

3. It is stated that the respondents have wrongfully forfeited the said EMD. This is disputed by the respondents.

4. The work order contains an arbitration clause which is set out below:-

“All disputes or differences arising during the execution of the contract shall be resolved by the mutual discussion failing which the matter shall be referred to the Arbitrator as appointed by the Project Director, DSACS, Delhi. Courts at Delhi/New Delhi shall have jurisdiction in connection with any dispute/litigation arising out of this contract. The court of Delhi shall alone have jurisdiction to decide any dispute arising out of or in respect of the bid/contract.”

5. In view of the disputes, the petitioner had invoked the arbitration clause by notice dated 11.01.2016, however, the respondents have not appointed an Arbitrator as yet and, therefore, the petitioner has filed the present petition.

6. On 30.09.2016, the learned counsel for the respondents had sought time to take instructions/file reply. Learned counsel for the respondents states that the claim made by the petitioner is very small and, therefore, the respondents are still considering whether to appoint an Arbitrator or not.

7. Since the respondents do not dispute the existence of the arbitration clause, an Arbitrator is required to be appointed.

8. Accordingly, with the consent of the parties, Mr Jagjit Singh, Advocate, who is present in court, is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. This is subject to disclosure and qualification under section 12 of the Act. The parties are at liberty to

approach Mr Jagjit Singh for holding a preliminary hearing.

9. The petition is disposed of.

VIBHU BAKHRU, J

NOVEMBER 07, 2016

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