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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 566/2015

BEAUX CONSTRUCTION COMPANY

..... Petitioner

Through: Mr. Sanjay Gupta and Mr. Ashish Garg,
Advocates.

versus

ADEPT POWER PVT.LTD. & ORS..... Respondents

Through: Mr. Rachit Devgun, Advocate for
Respondent No.1.

CORAM: JUSTICE S. MURALIDHAR

ORDER

19.10.2016

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1. This is a petition under Section 11 of the Arbitration & Conciliation Act, 1996 seeking the appointment of an Arbitrator for the adjudication of the disputes between the parties.

2. There is an arbitration clause in the agreement between the parties in terms of which payments were to be made to Petitioner for the work done by it. Invoking the said arbitration clause, a legal notice was sent on 14th September, 2015 by the Petitioner to Respondent No.1 claiming *inter alia* that Respondent No.1 should pay to it a sum of Rs.2,13,14,578.36 towards the arrears of running bills after measurement of the final bill. In response to the said notice, Respondent No.1 denied its liability and stated that till such time it receives payments from Crompton & Greaves Ltd. and Kunj Power Projects Private Limited on a back-to-back basis, it was not liable to make

any payment to the Petitioner.

3. As the Court can see, there is clearly a dispute between the parties arising out of the agreement between them. The Court, at this stage, is only required to examine under Section 11(6A) of the Act whether there exists an arbitration agreement. The Court is not expected to go into the merits of the petition or the counter-claims of the Respondents, if any. In law, therefore, there appears to be no legal basis for the Respondent to oppose the appointment of an arbitrator to refer the disputes arising between the parties.

4. Accordingly, this Court appoints Mr. Pradeep Chaddah (Mobile No. 9910384665), a former District Judge, Delhi as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The learned Arbitrator will fix his own terms. The requirements of the Arbitration and Conciliation Act, 1996 as amended with effect from 23rd October, 2015 shall be complied with.

5. The parties will appear before the learned Arbitrator, in the first instance, on 16th November, 2016 at 4 pm at a venue to be organised by the Petitioner and the expenses for which will be shared equally by the parties.

6. The petition is disposed of. A copy of this order be communicated to the learned Arbitrator forthwith.

S. MURALIDHAR, J

OCTOBER 19, 2016/dn