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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ ARB.P. 552/2015

INDU PROJECT LIMITED Petitioner
Through Mr.Bhupesh Narula, Adv.

versus

DELHI STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD (DSHDC) Respondent
Through Mr.Moni Cinmoy, Adv. along with
Mr.A.K.Mishra, Ex. Engineer in
person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **01.02.2016**

The abovementioned petition has been filed by the petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying that the additional claims of the petitioner be also referred to the learned arbitrator. The said claims are:

"Claim No.11 claimant claims a sum of Rs. 10 lacs for the cost of the Arbitration.

Additional claim 1: Petitioner claims a sum of Rs.20,27,98,056/- on account of longer lead of fly ash and interest at the rate of 18% on past, pendentelite and future on this amount."

Admittedly, the Chief Engineer of the respondent-Company has already appointed Sh.K.K.Varma, Retired ADG, CPWD, House No.179, Sector-15A, Noida, referring the claims for adjudication vide his letter dated 23rd August, 2013. The petitioner has also submitted the

statement of facts before the Arbitrator on 16th December, 2013 and has added at that time the abovementioned two claims to be adjudicated by the Arbitrator. It is submitted that the petitioner also brought this fact to the knowledge of the Chief Engineer-VI of the respondent through its letter dated 13th February, 2014 and requested him to refer the said two additional claims to the Arbitrator. It is further submitted that the respondent failed to refer the additional claims to the Arbitrator for adjudication within 30 days, i.e. the time stipulated under the arbitration clause under the agreement and also till date.

The objection of the respondent is that the abovementioned two claims are not to be referred to the Arbitrator. However, without prejudice, the respondent is agreeable to refer the said claims also before the Arbitrator and the respondent would be raising the objections including the issue of limitation before the Arbitrator itself.

Under these circumstances, the prayer made in the present petition is allowed. The abovementioned two claims are referred to the Arbitrator who will decide the fate of the said claims in accordance with law.

The petition is disposed of.

MANMOHAN SINGH, J.

FEBRUARY 01, 2016/ka