

\$~7

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

+ ARB.P. 690/2015

GAURAV ENTERPRISES

Through

..... Petitioner
Mr.Tarkeshwar Nath, Adv. with
Mr.Saurabh Kumar Tuteja,
Ms.Priyanka Parida & Mr.Onkar
Nath, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ANR

Through

..... Respondents
Mrs.Harvinder Oberoi, Adv. for
Mr.Devesh Singh, ASC

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

%

26.02.2016

The present petition has been filed by the petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator to adjudicate the disputes between the parties.

Reply and *vakalatnama* have been filed on behalf of the respondents.

Admittedly, before filing of the petition, notice was issued by the petitioner to the respondents in order to invoke the arbitration. However, neither any reply was received by the petitioner nor the Arbitrator was appointed by the respondents despite of receiving of the said notice on 21st September, 2015. Though, in the reply affidavit of Mr.Sukram Pal, Dy. Secretary, General Administration Department, Govt. of NCT of Delhi,

Delhi Secretariat, I.P. Estate, New Delhi, the explanation was given that the department does not have a panel of Arbitrators. The said explanation is mentioned in paras 2 to 4 of the affidavit which read as under:-

“2. That on receiving the above mentioned request on 05.10.2015, GAD had requested the Law Department, Govt. of NCT of Delhi, for appointment of Sole Arbitrator for resolution of dispute.

3. That Law Department on 18.12.2015 returned the file to GAD with the remarks that “Since Law Department does not have a panel of Arbitrators, the Admn. Department may be advised to appoint an Arbitrator from the list of retired IAS/DANICS Officers, which will be available in the services Department, GNCTD, as per past practice.

4. That on the advice of Law Department, GAD vide letter dated 01.01.2016 requested the Services Department, Govt. of NCT of Delhi, to provide list of retired IAS/DANICS Officers, who can be appointed as Sole Arbitrator to adjudicate dispute between petitioner and GAD.”

In view of the averments made in the petition and the documents placed on the record and after hearing learned counsel for the parties, it appears to the Court that it is a fit case where the disputes between the parties should be adjudicated by the sole Arbitrator. Thus, the prayer made in the present petition is allowed. Sh.S.K.Tandon, Retd. Addl. District & Sessions Judge (244, Bank Enclave, Delhi-110092, Mob. No.9811719888) is appointed as sole Arbitrator to adjudicate the disputes arising between the parties as mentioned in the present petition. The parties are also allowed to file their respective claims and counter-claims before the Arbitrator.

The arbitration shall take place under the aegis of Delhi International Arbitration Centre (‘DAC’). The Arbitrator shall ensure the compliance of

the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fees of the learned Arbitrator shall be in terms of the Delhi International Arbitration Centre (Administrative Cost Arbitrator's Fees) Rules.

The petition is accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the parties and a copy thereof be delivered to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

MANMOHAN SINGH, J.

FEBRUARY 26, 2016/ka