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

+ **ARB.P. 187/2017**

M/S KRR INFRA PROJECTS PVT. LTD. Petitioner

Through: **Ms Harsha Vinoy, Advocate.**

versus

UNION OF INDIA THROUGH DG MAP Respondent

Through: **Mr Praveen Kumar Jain, Advocate
with Mr Tilak Sharma, Joint Director
(Contracts) DGMAP.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 10.03.2017

IA No.3121/2017

1. Allowed, subject to all just exceptions.

ARB.P. 187/2017 & IA No.3122/2017

2. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that an Arbitrator be appointed to adjudicate the disputes that have arisen between the parties in connection with a contract related to construction of dwelling units, which was awarded to the petitioner on 18.03.2011. It is seen that the petitioner had invoked the arbitration clause pursuant to which an Arbitrator was appointed by the letter dated 26.12.2014. The Arbitrator also entered upon the reference subsequently.

3. The petitioner states that the Arbitrator appointed does not have necessary qualification to act as an Arbitrator and is ineligible to do so. He

referred to clause 60 of the General Conditions of the Contract which prescribe certain qualifications and contended that the petitioner is not aware whether the Arbitrator holds such qualification as no disclosure has been made by the Arbitrator.

4. In view of the fact that an Arbitrator has already been appointed, the present petition would not be maintainable. Any grievance that the petitioner may have regarding the competence or impartiality of the Arbitrator has to be raised before the Arbitrator in terms of Section 12 and 13 of the Act. The Arbitrator is required to consider the challenge and if the same is rejected, proceed further to make an award. In that case the only recourse available to the party challenging the Arbitrator is to await making the arbitral award and to approach the Court under Section 34 of the Act.

5. In view of the above, the present petition and all the pending applications are dismissed.

VIBHU BAKHRU, J

MARCH 10, 2017

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