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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ ARB.P. 125/2016
SEERVI CONSTRUCTION CORPORATION..... Petitioner
Through Mr.Kunwar Singh and Mr.Shobhit
Maheshwari, Advs.

versus

THE HARYANA STATE KARAMCHARI COOP & ORS.
..... Respondents
Through Mr.N.L.Sahay, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **03.07.2017**

1. This petition is filed under section 11 of the Arbitration and Conciliation Act, 1996 seeking to appoint a Sole Arbitrator to adjudicate the disputes between the parties. On 20.1.2010 an Agreement was executed between the petitioner and respondent whereby the petitioner was awarded the contract for construction of civil works, internal plumbing work, internal electrification work etc for 28 dwelling units of the respondent society. As per the petitioner it raised a final bill on 16.6.2015 which the respondents have failed to pay. Hence, the present petition has been filed relying upon the arbitration clause between the parties which is clause 6.23 of the agreement between the parties. As per the clause 6.23.1, in case any dispute arises between the contractor and the society the same shall be referred to the Sole Arbitrator to be mutually appointed by the President of the respondent society and the Contractor.
2. The respondents admit the arbitration clause. Their only grievance is

that no dispute survives between the parties and this is a needless exercise being undertaken by the petitioner to harass the members of the respondent society. He also submits that the work has also not been completed.

3. Learned counsel for the petitioner has pointed out that the respondents themselves have raised disputes in their legal notice dated 30.6.2015 where the respondents have raised a claim of about Rs.1.82 crores from the petitioner.

4. It is clear that disputes are there between the parties. The petitioner claims that running account bills are unpaid. The respondents claim Rs.1.82 crores from the petitioner. In view of the arbitration clause between the parties a Sole Arbitrator is liable to be appointed.

5. I accordingly appoint Mr. Justice N.K. Mody (Retd.) (Mobile No. 9425115911) as the Sole Arbitrator to adjudicate the disputes between the parties. The learned Arbitrator will comply with the provisions of section 12(1) of the Act. He will decide his fees in consultation with the learned counsel for the parties. Parties will share the fees and expenses. Petition stands disposed of. All pending applications, if any, also stand disposed of.

6. Parties to appear before the learned Arbitrator on 1.8.2017 at 4.00 PM.

JAYANT NATH, J

JULY 03, 2017

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