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

+ ARB.P. 617/2016

PHULAR CONSTRUCTION COMPANY (P) LTD..... Petitioner
Through Mr.Ankit Malik, Advocate

versus

THE SECRETARY & ORS. Respondents
Through Mr.Rajnish Ranjan, Advocate

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **19.04.2017**

1. The present petition is filed under Section 11 of the Arbitration & Conciliation Act seeking to refer 8 additional claims to the arbitral tribunal.
2. A notice inviting bids for construction of high level RCC Bridge and Approach Road at Bhutani Balan River of NH-104 under NH Division, Jaynagar was issued. The tender of the petitioner was accepted. A completion certificate has been issued on 31.03.2015. The petitioner invoked the arbitration clause and nominated Sh.B.D.Joshi as arbitrator and requested the respondent to nominate their arbitrator. Arbitral tribunal was set up and the matter is continuing before the arbitral tribunal.
3. On 25.07.2016 the petitioner requested for reference of 8 additional claims for arbitration. On 03.08.2016 a request was again made to the Chief Engineer but the claims have not been referred to the learned arbitrators.

4. The learned counsel appearing for the respondents submits that the only problem is that the presently constituted arbitral tribunal is hearing the matters and the issue is on an advanced stage.
5. However, after some arguments, the parties have agreed for reference of the 8 additional claims. It is left to the discretion of the arbitral tribunal to determine as to whether the present 8 additional claims which are raised in the present petition are to be adjudicated upon alongwith existing claims or the arbitral tribunal would take up these 8 additional claims separately.
6. Leaving this option to the arbitral tribunal and without prejudice to the rights and contentions of the parties, the present petition is disposed of on above terms.

JAYANT NATH, J.

APRIL 19, 2017/v