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

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Judgment delivered on: 10.07.2017

+ **ARB.P. 358/2017**

GORKHA SECURITY SERVICES

..... Petitioner

versus

SCHOOL OF PLANNING & ARCHITECTURE Respondent

Advocates who appeared in this case:

For the Petitioner

: Mr. Tarkeshwar Nath with Mr. Saurabh Kumar Tuteja and
Mr. Onkar Nath, Advocates.

For the Respondent

: Mr. R.K. Singh with Ms. Deepa Rai, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

10.07.2017

SANJEEV SACHDEVA, J. (ORAL)

IA No.6437/2017 (exemption)

Exemption is allowed subject to all just exceptions.

ARB.P. 358/2017 & IA No.6438/2017 (on behalf of the petitioner seeking directions to respondents to place on record the original agreement)

1. The petitioner has filed this petition under Section 11(6) of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as 'the Act') for appointment of an arbitrator.

2. The respondent awarded a contract to the petitioner for providing security services in the premises of School of Planning &

Architecture at ITO, Vasant Kunj and Maharabagh Complex with effect from 11.06.2011.

3. Disputes have arisen between the parties.

4. The petitioner has invoked arbitration clause contained in the agreement.

5. The arbitration clause reads as under:-

“All disputes and claims shall be settled by arbitration, in accordance with the provisions of the arbitration law in force or any statutory requirements thereof and shall be referred to the Sole Arbitrator to be appointed by the School. The Security Agency shall not be entitled to raise any kind of objection whatsoever, in the event of the School deciding to appoint any officer or employee of the School as the Sole Arbitrator. The award given by the Arbitrator shall be final and binding on both the parties i.e. 'School' and the 'Contractor'.

6. Despite the petitioner having invoked arbitration by issuing legal notice dated 17.10.2016. The Respondent School has not appointed any arbitrator.

7. Learned counsel for the respondent submits that, without prejudice to the defence of the respondent, he has no objection to the appointment of an independent Sole Arbitrator by this court to adjudicate the disputes between the parties.

8. Accordingly, Mr. Justice Anil Dev Singh (retd.), Former Chief

Justice of Rajasthan, (Mobile No.9810060203) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. This is subject to the Arbitrator making the necessary disclosure under Section 12 of the Act not being ineligible under Section 12(5) of the Act.

9. The Arbitral Tribunal shall examine the claims of the petitioner and the counter claims, if any of the respondents.

10. The Arbitrator shall fix his fee in consultation with learned counsel for the parties.

11. The parties are at liberty to approach the learned Arbitrator for elucidating the necessary disclosures and for further proceedings.

12. The petition is accordingly disposed of.

13. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

JULY 10, 2017/st