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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 198/2017

BASU DEV ROUT

..... Petitioner

Through : Mr.Bhupesh Narula and Mr.Rinku
Dhingra Narula, Advs.

versus

AIRPORT AUTHORITY OF INDIA

..... Respondent

Through : Ms.Sonal Kumar Singh and Ms.Swati
Sehgal, Advs.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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08.11.2017

This petition is under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of arbitrator. It is the case of the petitioner that only 13 disputes of the respondent were referred by the Dispute Resolution Committee to the arbitrator and that his claim no.14 was never considered by the arbitrator on the ground that the Dispute Resolution Committee has not referred it. During the pendency of the arbitration proceedings the petitioner even wrote a letter dated 30th May, 2016 to the respondent requesting his claim no. 14 be also referred to the arbitration.

Per clause 25 of the agreement, if petitioner raises a dispute it needs to be referred to the Dispute Resolution Committee which was not done in this case, is the grievance of the petitioner. The learned counsel for respondent says the respondent has no objection to refer claim no. 14 to arbitration provided the petitioner apply in prescribed manner, in proper format, which he shall supply within a week to the learned counsel for the petitioner.

The learned counsel for the petitioner agrees to apply afresh in a proper format. In case the request is received by the department/ respondent it shall refer the matter to the Dispute Resolution Committee forthwith and a decision be taken within 45 days to appoint an arbitrator.

In view of the submissions made the petition is disposed of.

YOGESH KHANNA, J

NOVEMBER 08, 2017
VLD