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

+ **ARB.P. 430/2017**

Date of decision: 10th November, 2017

M.P.TYAGI ENGINEERS & CONTRACTORS Petitioner
Through Ms.Seema Singh, Adv.

versus

UNION OF INDIA & ANR Respondents
Through Mr.Jaswinder Singh, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (Oral)

1. This petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner praying for an appointment of a Sole Arbitrator to adjudicate the dispute between the parties that have arisen out of the Work Order dated 04.02.2016.
2. The petitioner had invoked the Arbitration Agreement contained in Clause No.70 of General Condition vide its notice dated 08.06.2017, however, the respondent has failed to appoint an Arbitrator for adjudication of the dispute.
3. Notice of this petition was issued to the respondent vide order dated 17.07.2017. The respondent entered appearance on 25.09.2017

and prayed for time to file the reply to the petition. Further, time was prayed for and granted on 01.11.2017.

4. In spite of the above opportunities no reply has been filed by the respondent. Today learned counsel for the respondent submits that the reply filed by the respondent in Arbitration Petition No.429/2017 may also be considered as a reply in the present petition, inasmuch as legal objection for appointment of Arbitrator applies to the facts of the present case.

5. I have already, vide my separate order passed today in Arbitration Petition No.429/2017, rejected the objection of the respondent to the appointment of the Arbitrator. Same order would, therefore, apply to the present case.

6. In view of the above, the present petition is allowed. I hereby direct that the parties shall appear before the Delhi International Arbitration Centre (DIAC) who shall appoint a Sole Arbitrator to adjudicate the disputes between the parties. The arbitration and the fee shall be governed by the rules of the DIAC.

7. The parties to appear before DIAC on 30th November, 2017 at 2:00 PM.

8. The petition is allowed in the above terms.

Dasti.

NAVIN CHAWLA, J

NOVEMBER 10, 2017/vp