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

+ ARB.P. 554/2017 and IA No. 10044/2017

HORIZON SURVEY COMPANY (I) PVT LTD Petitioner
Through Mr. Manoj C. Mishra, Adv.

versus

GOVERNMENT OF INDIA Respondent
Through Mr. Praveen Kumar Jain, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **21.09.2017**

1. This petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) for appointment of a sole arbitrator to adjudicate the disputes between the parties.
2. The case of the petitioner is that on 03.03.2015, the respondent issued a letter of intent to the petitioner for the work contract at Karwar, Karnataka. On 31.03.2015, the parties entered into a contract. Disputes having arisen between the parties, on 19.1.2017 the petitioner invoked the arbitration clause and sought appointment of an arbitrator under Clause 70 of the agreement dated 31.03.2015. On 27.01.2017, the respondent proposed names of three arbitrators requesting the petitioner to choose any one of the said names for appointment as a sole arbitrator. The petitioner vide communication dated 08.02.2017 expressed its inability to choose the arbitrator on the ground that they were not in conformity with Clause 70 of

the Contract. The plea of the petitioner was that the respondent may propose the list of arbitrators stationed at New Delhi which shall be convenient for both the parties.

3. I have heard learned counsel for the parties.

4. Leaned counsel for the respondent has reiterated that the panel of arbitrators which has been suggested to the petitioner cannot be changed. He relies upon clause 70.10 of the agreement between the parties which states that the venue of arbitration shall be such place or places as may be fixed by the Arbitrator in his sole discretion.

5. Learned counsel for the petitioner however stresses that the venue should be Delhi as the entire work record is based in Delhi and it will be convenient for both the parties to adjudicate the matter in Delhi.

6. As the limited grievance of the petitioner pertains to the venue of the arbitration, in the interest of justice, the petitioner may choose any one name from the panel of three arbitrators proposed by the respondent. He may also thereafter request the learned Arbitrator so nominated to take into account the submission made before this court that the arbitration proceedings should be held at Delhi. In the eventuality of such a request being made, the learned Arbitrator may deal with the same sympathetically considering the fact that records are based in Delhi. All other issues are kept open.

7. In view of the above, the petition stands disposed of.

8. All pending applications also stand disposed of.

JAYANT NATH, J

SEPTEMBER 21, 2017

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