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

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Judgment delivered on: 08.08.2017

+ ARB.P. 491/2017

JAGDAMBA SALES CORPORATION

..... Petitioner

versus

DIRECTOR GENERAL (PRISONS) & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner

: Mr Krishan Gopal Sharma

For the Respondents

: Mr Satyakam with Mr Amrish Goel

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

08.08.2017

SANJEEV SACHDEVA, J. (ORAL)

IA No.8961/2017(exemption)

Allowed, subject to all just exceptions.

ARB.P. 491/2017

1. The petitioner, by this petition, seeks appointment of an Arbitrator under Section 11 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as 'the Act').

2. The respondents invited e-tender for supply of carpentry unit items (dual, desks- senior level) to the Central Jail Factory, Tihar,

Delhi. The bid of the petitioner was accepted and the Contract awarded.

3. During the execution of the Contract, certain disputes have arisen leading to the filing of the present petition.

4. The Arbitration Clause, as contained in the Tender Notice, reads as under:-

13. Arbitration

i) In case of any dispute arising out of the tender or any breach of agreement (except those decisions which are otherwise hereinabove provided for), the matter will first be referred by Jail Factory/Contractor to D.G.(Prisons) for Arbitration. D.G.(Prisons) reserves the right to appoint any person as Arbitrator to sort out the dispute. The award of the Arbitrator so appointed shall be final and binding on the Contractor at the discretion of D.G.(P). There shall be no objection to any such appointment if the Arbitrator so appointed is a Prison Department Officer."

5. The petitioner has invoked Arbitration by Legal Notice dated 06.01.2017.

6. Learned counsel for the respondent submits that though invocation is not in terms of the clause and the clause stipulates that the matter is referred to D.G.(P), he has instructions to state that the respondent has no objection if an independent Arbitrator is appointed by this Court.

7. Accordingly, Ms Anita Sahany, Advocate, Mobile

No.9810113256 is appointed as the Sole Arbitrator to adjudicate the disputes between the parties subject to the Arbitrator making the necessary disclosure under Section 12 of the Act of not being ineligible under Section 12(5) of the Act.

8. The Arbitrator shall adjudicate the claims of the petitioner and the counter claims, if any of the respondents.

9. The Arbitrator shall fix her fee in consultation with learned counsel for the parties.

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

11. The petition is accordingly disposed of.

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

SANJEEV SACHDEVA, J

AUGUST 08, 2017

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