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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 598/2017

PRAGATI CONSTRUCTION CONSULTANTS

..... Petitioner

Through : Mr.Sumit Bansal, Mr.Pankaj Gupta,
Ms.Richa Oberio and Mr.Prateek
Kohli, Advocates.

versus

MINISTRY OF RAILWAYS

..... Respondent

Through : Dr.Choudhary Shamsuddin Khan,
Advocate.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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15.11.2017

The petitioner have entered into an agreement dated 14.06.2010. with the respondent for construction of 37 units type II quarters at Rampura and earnest money was deposited. Later some dispute arose and it is alleged an amount of ₹8.15 Crore is due to be paid to the petitioner which the respondent has not paid under the agreement despite various communications. The agreement dated 14.06.2010 contains an arbitration clause which read as under:-

“64 (1) (i) - Demand for Arbitration-In the event of any dispute or difference between the parties hereto as to the construction or operation of this contract, or the respective rights and liabilities of the parties on any matter in question, dispute or difference on any account or as to the withholding by the Railway of any certificate to which the contractor may claim to be entitled to, or if the Railway fails to make a decision within

120 days, then and in any such case, but except in any of the "excepted matters" referred to in Clause 63 of these conditions, the contractor, after 120 days but within 180 days of his presenting his final claim on disputed matters shall demand in writing that the dispute or difference be referred to arbitration."

The petitioner invoked the arbitration clause on 1.09.2016 and raised its claims with the G.M. of the respondent. Yet again on 07.03.2017 and on 27.03.2017 the petitioner requested the respondent to refer the dispute to arbitration but the respondent ignored.

Considering the request for invocation of arbitration was made way back in September 2016 and also on subsequent dates and that the respondent had slept over the matter and even did not choose to file reply to this petition, Mr. Justice Jaspal Singh (Retd) (Mobile No.9811070188) is hereby appointed as an arbitrator to adjudicate the disputes between the parties. The fee of the arbitrator shall be settled by him in consultation with the parties.

In above terms, the petition stands disposed of.

Order *dasti*.

YOGESH KHANNA, J

NOVEMBER 15, 2017

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