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

+ **ARB.P. 646/2017**

M/S ERA INFRA ENGINEERING LIMITED

..... Petitioner

Through : Mr.Lovkesh Sawhney, Advocate.

versus

EXECUTIVE ENGINEER (CIVIL)

SBPD, PRASAR BHARTI

..... Respondent

Through : Mr.Vikrant Yadav, Advocate.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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22.11.2017

The petitioner filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator.

On 02.08.2008 the defendant issued the notice inviting tender inviting bids for the purpose of construction of Soochana Bhawan Phase – V, CGO Complex, Lodhi Road, New Delhi. On 06.10.2009, the above work was awarded to the petitioner vide work order No.EE(C)/SBPD/AC/2(1)/2009-10/1607, dated 06.10.2009 for total sum of ₹ 48,87,73,272/- and the stipulated date of commencement of the work was 28.10.2009. The period of completion of work was 24 months and date of completion was 27.10.2011. An agreement dated 11.11.2009 was also entered into between the parties. The work could not be completed within the stipulated completion period. The petitioner alleged it was due to issues not attributable to the

petitioner. On 22.07.2015, the competent authority issued the completion certificate to the petitioner. Several disputes arose and it is submitted by the learned counsel for the petitioner that per clause No.25, the petitioner had approached all the officers mentioned in the said clause of the agreement requesting them to refer the dispute to the arbitration, but his request was not acceded and hence he is before this Court. The learned counsel for the respondent though argued to the contrary but admitted of an arbitration agreement between the parties. Despite requests till date the petitioner is in the lurch.

In the circumstances, the petition is allowed and Justice (Retd) Ms.Rekha Sharma (Mobile No. 9871300025) is appointed as arbitrator to adjudicate the disputes between the parties. The fee shall be settled in consultation with the parties. The learned arbitrator shall give declaration as per Section 12 of the Arbitration and Conciliation Act.

Petition stands disposed of.

Order dasti.

YOGESH KHANNA, J

NOVEMBER 22, 2017

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