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

+ ARB.P. 65/2018

DEVENDER PAL SINGH SAWHNEY Petitioner

Through: Ms Rajasree, Advocate.

versus

THE VICE CHAIRMAN, DELHI DEVELOPMENT
AUTHORITY

..... Respondent

Through: Ms Kanika Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.04.2018

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an Arbitrator be appointed to adjudicate the disputes that have arisen between the parties in connection with the 'Licence Deed' dated 16.12.2002 (hereafter 'the Agreement'). The Agreement includes an arbitration clause, which is set out below:-

"3.20 Provision for Settlement of Disputes

In case of any dispute between the parties in respect of interpretation of this agreement or execution of the Project as indicated in the tender document, such disputes shall be referred to the Vice-Chairman of the Authority. The Vice-Chairman, DDA shall be empowered to adjudicate and decide the disputes, if any, between the parties and his decision shall be final conclusive and binding on both the parties. The venue of the arbitration shall be in Delhi."

2. In view of the amendments introduced in the Act by virtue of the Arbitration and Conciliation (Amendment) Act, 2015, the Vice Chairman, DDA is no longer eligible to act as an Arbitrator. In the circumstances, it is not disputed that the petitioner had invoked the aforementioned arbitration clause.
3. With the consent of the parties, it is directed that a sole arbitrator be appointed by the Delhi International Arbitration Centre (DIAC) for adjudication of the disputes that fall within the scope of the aforementioned arbitration clause. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules. The parties are directed to appear before the Co-ordinator, DIAC on 23.04.2018 at 11:00 AM.
4. It is clarified that all rights and contentions of the parties are reserved.
5. The petition is disposed of.
6. Order *dasti*.

VIBHU BAKHRU, J

APRIL 06, 2018
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