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

+ ARB.P. 96/2018

RAKESH BROTHERS

..... Petitioner

Through: Mr.Sunil K. Mittal, Mr.Anshul Mittal
and Mr.Harshit Vashisht, Advs.

versus

HSCC (INDIA) LIMITED & ANR.

..... Respondents

Through: Mr.Saurabh Mishra, Mr. Abhishek
Singh and Mr.Vivek Tyagi, Advs. for
R-1.
Mr.Abhinav Mukerji and
Mr.Siddharth Garg, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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09.05.2018

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Agreement dated 08.07.2015 executed between the parties for "Construction of 100 Bedded Mother and Child Hospital at Zonal Hospital, District Mandi, Himachal Pradesh". The said Agreement provides for adjudication of the disputes through Arbitration in the form of Clause 25 of the General Condition of the Contract.

The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its letter dated 24.04.2017. Though, the

parties tried to negotiate for a settlement, no such settlement was arrived at and the respondent also did not appoint an Arbitrator. The petitioner, therefore, filed the present petition seeking appointment of an Arbitrator.

Learned counsel for the respondent submits that though there is no dispute on the existence of the Arbitration Agreement or due invocation thereof, the parties in a meeting held on 23.12.2017 had agreed that an Arbitrator should be appointed from the technical side such as retired Architect or Civil Engineer. He submits that in the present case, therefore, the Court should appoint an Arbitrator with such technical qualification. This is not agreeable to the learned counsel for the petitioner.

In any case, as the Arbitration Agreement between the parties does not prescribe any specific qualification to be possessed by the Arbitrator, and as the existence of the Arbitration Agreement and due invocation thereof is not disputed by the respondent, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned agreement.

I, therefore, appoint Ms. Justice Indermeet Kaur, Former Judge of this Court (R/o 62, Lodhi Estate, New Delhi-110003), as a Sole Arbitrator to adjudicate the disputes that have arisen between parties. The Arbitrator shall give her disclosure statement under Section 12 of the Act before proceeding with the reference.

The petition is allowed in the above terms, with no order as to costs.

Dasti.

NAVIN CHAWLA, J

MAY 09, 2018/Arya