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

+ **ARB.P. 107/2018**

B.R. ARORA & ASSOCIATES PVT. LTD. Petitioner

Through Mr Vaibhav Dang, Advocate.

versus

AIRPORTS AUTHORITY OF INDIA Respondent

Through Mr Digvijay Rai, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.05.2018

1. The petitioner has filed the present petition under Section 11 (6) 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 relation to the agreement dated 11.11.2010 (hereafter 'the Agreement'). The General Conditions of Contract (GCC) which are a part of the Agreement between the parties, includes an arbitration clause.
2. On 03.01.2015, the petitioner had sought for the disputes to be referred to the Disputes Resolution Committee (DRC); however, the same was not done. Thereafter, on 14.09.2017, the petitioner invoked the arbitration clause and sought appointment of a sole arbitrator. However, the respondent did not act on the said request. In view of the above, the petitioner has filed the present petition.
3. The learned counsel appearing for the respondent does not dispute the

existence of an arbitration clause. He, however, states that the claims are barred by limitation. Since the arbitration clause is not in dispute and it is also not disputed that the petitioner had invoked the arbitration clause, an arbitrator is required to be appointed to resolve the disputes that have arisen between the parties.

4. With the suggestion of the learned counsel for the respondent, Mr V.K. Maheshwari, ADJ (Retired) is appointed as the Sole Arbitrator to adjudicate the disputes falling within the scope of the arbitration clause. This is subject to the arbitrator making the necessary disclosure under Section 12 of the Act and not being ineligible under Section 12(5) of the Act. With the consent of the parties, it is directed that the arbitration shall be conducted under the aegis of Delhi International Arbitration Centre (DIAC) and in accordance with its Rules. The parties are directed to appear before the Co-ordinator, DIAC on 24.05.2018 at 11:00 AM.
5. It is clarified that all rights and contentions of the parties are reserved.
6. The petition is disposed of.

VIBHU BAKHRU, J

MAY 09, 2018

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