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

+ ARB.P. 137/2018

INNOVISION LTD

..... Petitioner

Through: Mr Chirag Jamwal and Mr Ajay
Upadhyay, Advocates.

versus

DR BABA SAHEB AMBEDKAR HOSPITAL,
GOVT OF NCT OF DELHI

..... Respondent

Through: Mr Satyakam, Additional Standing
Counsel, GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.02.2018

IA No.2519/2018

1. Allowed, subject to all just exceptions.

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2. 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 concerned parties in connection with an agreement dated 13.06.2016 (hereafter 'the Agreement'). The Agreement contains an arbitration clause, which is set out below:

“57. That in case of any dispute between the First Party and the Second Party, the person appointed by Secretary (H&FW), Department of Health & Family Welfare, GNCT of Delhi shall be the arbitrator and cost of arbitration shall be borne by both parties equally.”

3. In view of the disputes that are stated to have arisen between the parties, the petitioner invoked the arbitration clause by a letter addressed to the Medical Superintendent of respondent no.1. A copy of the said letter was also forwarded to the Secretary (H&FW), Department of Health & Family Welfare, GNCT of Delhi with a request to appoint a Sole Arbitrator to adjudicate the disputes that have arisen between the parties. The petitioner states that he has not received any response to the said letter.
4. Mr Satyakam, the learned counsel appearing for the respondent also states that an Arbitrator has not been appointed as yet.
5. In view of the above, this Court considers it necessary that an Arbitral Tribunal be constituted. Accordingly, Mr. Narinder Paul Kaushik, Retired, ADJ, Delhi (Mobile No. 9910384663) is appointed as a Sole Arbitrator to adjudicate the disputes that have arisen between the concerned parties. This is subject to the Arbitrator making the necessary disclosure under Section 12 of the Act and not being disqualified under Section 12(5) of the Act.
6. It is further directed, with the consent of the counsel for the parties, that the arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.
7. The representatives of the parties are directed to appear before the Co-ordinator, DIAC on 05.03.2018 at 11:00 AM.
8. The petition is disposed of.

VIBHU BAKHRU, J

FEBRUARY 22, 2018
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