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

+ **ARB.P. 183/2018**

SHIV KUMAR SHARMA SOLE PROP APPLIED

COMMUNICATION & CONTROLS

..... Petitioner

Through: Mr Shiv Khorana, Advocate.

versus

UNION OF INDIA

..... Respondent

Through: Mr Ajay Digpaul, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.03.2018**

IA No.3357/2018

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, *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to a contract entered into on 26.04.2011 for supply of field telephones.

3. The said contract was terminated on 20.06.2012 and, thereafter, the petitioner had invoked the arbitration clause by a letter dated 16.07.2012. The present petition has been filed almost six years, thereafter. The learned counsel appearing for the petitioner states that the petitioner had made repeated request to either reinstate the contract or appoint an arbitrator to adjudicate the disputes, but had not received any satisfactory response to

such requests. He further states that meetings and negotiations were also held between the parties to resolve the disputes and the respondent finally rejected the petitioner's request by a letter dated 06.09.2017.

4. The contention that the period of limitation would stand extended on account of the petitioner writing letters to the respondent is unmerited. The cause of action for filing the present petition can be traced back to the petitioner's letter dated 16.07.2012, whereby the petitioner had called upon the respondent to appoint an arbitrator. Since the respondent had failed to accept to the said request, the petitioner could have approached the Court within a reasonable period of time. However, the petitioner failed to do so.

5. In view of the above, it is apparent that the present petition is barred by limitation. It is, accordingly, dismissed.

VIBHU BAKHRU, J

MARCH 12, 2018
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