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

+ **ARB.P. 152/2018**

UPAKAR SINGH SAWHNEY Petitioner
Through: **Mr. Rajashree Ajay, Advocate.**

versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through: **Ms. Kanika Singh, Advocate.**

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **06.04.2018**

This petition under Section 11 of the Arbitration & Conciliation Act, 1996 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 allotment of shop No. F-16, Janak Place, District Centre, Janak Puri, New Delhi-110058 vide Agreement dated 11th July, 2003. The said Agreement contains an Arbitration Agreement between the parties in form of clause 3.20 which is reproduced herein 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.”

The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 01st December, 2017. The respondent having failed to appoint an Arbitrator, the present petition was filed by the petitioner.

Learned counsel for the respondent submits that the disputes be referred for adjudication to an Arbitrator appointed by the Delhi International Arbitration Centre (DIAC). The suggestion is acceptable to the counsel for the petitioner.

In view of the above, the parties are directed to appear before the DIAC on 23rd April, 2018. DIAC shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement. The arbitration and the fee shall be governed by the DIAC Rules.

All contentions of either party shall remain open before the Arbitrator so appointed.

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

Dasti.

NAVIN CHAWLA, J

APRIL 06, 2018

Rekha