

\$~20

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

+ ARB.P. 187/2018

TRG INDUSTRIES PVT LTD Petitioner
Through: Mr.Vivekanand, Adv.

versus

DIRECTORATE OF CIVIL AVIATION, GOVT. OF U.P. & ANR.
..... Respondents

Through: Ms.Avnish Ahlawat, Mr.Gurmeet
Singh and Ms.Palak Rohmetra, Adv.
for R-1.
Mr.R.P. Agarwal, Mr.Sunny Verma,
Adv. along with Mr.Rameshwar
Kurjekar.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
ORDER
% **16.04.2018**

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 no.1 RITES/AP/UPSCA/Chitrakoot/2016 dated 20.01.2016. The said Agreement contains an Arbitration Agreement in the form of Clause 25(2).

The dispute having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its letter dated 16.12.2017. The respondent vide its letter dated 09.01.2018 gave a panel of three names from whom the petitioner could select one for being appointed as a Sole Arbitrator. The

petitioner claiming that the panel was not forwarded by the competent authority, decided not to exercise this option. The respondent, however, vide its letter dated 30.01.2018 proceeded to appoint an Arbitrator who was not from the panel of three names that had been forwarded by the respondent. As both the parties failed to act in accordance with the procedure agreed in the Arbitration Agreement, the petitioner filed the present petition seeking appointment of a Sole Arbitrator.

Learned counsels for the parties submit that the parties may be referred to the Delhi International Arbitration Centre (DIAC) for appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement. They further submit that DIAC may appoint a person with experience in Civil Engineering as a Sole Arbitrator.

Accordingly, parties are directed to appear before DIAC on 2nd May, 2018 at 2.00 p.m. The DIAC shall appoint a Sole Arbitrator who shall have the necessary experience and qualification in Civil Engineering. The Arbitration and the fee shall be governed by the DIAC rules.

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

Dasti.

NAVIN CHAWLA, J

APRIL 16, 2018/Arya