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

+ ARB.P. 177/2018

DIGVIJAY SANITATION

..... Petitioner

Through: Mr. Vivekanand and Mr. Raghav
Gumber, Advocates

versus

DELHI JAL BOARD & ANR.

..... Respondents

Through: Ms. Sangeeta Bharti, ASC, DJB with
Ms. Surabhi Diwan, Advocate and
Mr. D.K. Gupta, AE(Civil), DJB.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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12.04.2018

This petition under Section 11 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of an Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the Contract/Work Order No.F-4(11)/EE(W) C-VII/93/827 dated 01st March 1993 issued by the respondents in favour of the petitioner. The said Contract contains an Arbitration Agreement between the parties in form of Clause 25 thereof.

The disputes having arisen between the parties, the same were referred to arbitration and resulted in an Award dated 30th April, 2008.

Objections filed by the petitioner in O.M.P. 415/2008 were allowed by this Court vide its order dated 25th November, 2016.

In view of the above order, the petitioner again invoked the Arbitration Agreement vide its notice dated 02nd March, 2017. The respondents having failed to appoint an Arbitrator, the present petition was filed.

Learned counsel for the respondents submits that the respondents have no objection if a Sole Arbitrator is appointed by this Court, however, that should not prejudice the respondents in making submissions before the Arbitrator opposing the prayers made by the petitioner in such arbitration proceedings.

As the Arbitration Agreement and the invocation thereof is not denied by the respondents, I see no impediment in appointing a Sole Arbitrator to adjudicate the disputes that have arisen between the parties.

I accordingly appoint **Mr. O.P. Gupta, District & Sessions Judge (Retd.) (R/o BQ-87, Shalimar Bagh, Delhi-110088, Mobile No.9910384645)** as a Sole Arbitrator to adjudicate the disputes that have arisen between the parties. The arbitration and the fee shall be governed by Delhi International Arbitration Centre (DIAC) Rules. The Arbitrator shall give his disclosure in terms of Section 12 before proceeding with the reference.

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

Dasti.

NAVIN CHAWLA, J

APRIL 12, 2018

Rekha