

\$~17

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

+ ARB.P. 185/2018

TARA CHAND SUMIT CONSTRUCTION CO.

THROUGH: ITS PARTNER SH. TRILOK CHAND SHARMA

..... Petitioner

Through: Ms.Stuti Jain and Ms.Anjali Tyagi,
Advs.

versus

DELHI DEVELOPMENT AUTHORITY THROUGH:

ENGINEER MEMBER

..... Respondent

Through: Ms.Kanika Singh and Mr.Rishi
Verma, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

23.05.2018

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 Work Order dated 14.11.2014 for construction of community room at Sadh Nagar, Pocket-II, Nasirpur Village. The said agreement admittedly contains an Arbitration Agreement in form of Clause 25 of the General Condition of the Contract (GCC).

The disputes having arisen, the petitioner vide its letter dated 25.08.2017 requested the Superintending Engineer, DDA to decide the disputes. Having received no response, the petitioner vide its letter dated

25.09.2017 made a similar request to the Chief Engineer, DDA. The Chief Engineer, DDA vide its letter dated 09.10.2017 rejected the claims of the petitioner. The Superintending Engineer vide its letter dated 01.11.2017 also rejected the claims of the petitioner, forcing the petitioner to write a letter dated 09.11.2017 to the Engineer Member, DDA, who is the competent authority, to appoint an Arbitrator in terms of Clause 25 of the GCC. As no response was received thereto, the present petition was filed by the petitioner.

Though, the reply filed by the respondent is not on record, learned counsel for the respondent submits that the claim raised by the petitioner is not maintainable and the petitioner is not entitled to maintain the present petition as he has not filed any documents showing that it is a registered partnership firm.

In my opinion, all these pleas can be taken by the respondent before the Arbitral Tribunal and the same cannot be raised at this stage for the purpose of denying the appointment of an Arbitrator.

I, therefore, do not see any impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Work Order.

I accordingly, appoint Mr.Amar Nath, Retired District & Sessions Judge, Delhi, R/o Flat No.B-1, Plot No.7, Sector-7, Dwarka, New Delhi, Mob. No.9958697030 as a Sole Arbitrator to adjudicate the disputes that have arisen between the parties. The Arbitrator shall give his disclosure statement in terms of Section 12 of the Act before entering upon the reference.

The Arbitration shall be conducted under the aegis of the Delhi International Arbitration Centre and shall be governed by its rules as to procedure and fee.

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

Dasti.

NAVIN CHAWLA, J

MAY 23, 2018/Arya