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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 319/2018

VILLAYATI RAM MITTAL PVT. LTD.

..... Petitioner

Through: Ms.G.M.Padma Priya, Mr.Anchit
Bhandari, Advs.

versus

UNION OF INDIA THROUGH: MILITARY ENGINEER SERVICE
AND ANOTHER Respondents

Through: Mr.Ashim Sood, CGSC with Ms.Payal
Chandra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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23.07.2018

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner praying for appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to Contract for provision of Deficient OTM accommodation for TRG Team (10+2) CTW Phase-II at CME Pune, being CA No CEPZ/KKE/77 of 2007-08.

Disputes having arisen between the parties, the petitioner invoked the arbitration agreement contained in Clause 70 of the General Conditions of Contract vide letter dated 4th June, 2017. The Engineer-in-Chief, who is the appointing authority under the contract, vide letter dated 16th June, 2017 called upon the Chief-Engineer, to examine the request of the petitioner for appointment of the Arbitrator, however, as no further action was taken on the request of

the petitioner, the petitioner has filed the present petition.

The counsel for the respondents submits, that in fact, there is no dispute between the parties that need to be resolved through arbitration.

As existence of the arbitration agreement and due invocation thereof is not denied by the respondent, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the above-mentioned agreement.

I appoint **Dr. Mukundakam Sharma**, Retired Judge of the Supreme Court, R/o Bungalow No.105, New Moti Bagh, New Delhi-110021, Mobile-9818000190 as the Sole Arbitrator for adjudicating such disputes. The Arbitrator shall submit his disclosure statement under Section 12 of the Act with the parties before proceeding with the reference.

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

I may note that the same Arbitrator is being appointed in three other petitions between the parties by separate orders today as the counsels for the parties submit that the disputes to be adjudicated would be common and the parties are the same.

NAVIN CHAWLA, J

JULY 23, 2018
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