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

+ ARB.P. 482/2018

RAJ KUMAR SAINI Petitioner
Through Mr.Aakash Naval and Ms.Divya
Singh, Advs.

versus

PUBLIC WORKS DEPARTMENT THROUGH IT'S PRINCIPAL
SECRETARY & ORS. Respondents
Through Mr.Ramesh Singh and Mr.Chirayu
Jain, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **13.11.2018**

1. This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Agreement dated 30.03.2016 executed between the parties. The said Agreement contains an Arbitration Agreement between the parties in form of Clause 25 thereof.
2. The disputes having arisen between the parties, the petitioner invoked the arbitration procedure as envisaged in Clause 25 of the Agreement. As the respondent failed to appoint an Arbitrator, the present petition was filed.
3. Learned counsel for the respondents submits that the present petition is not maintainable as the petitioner has not followed the procedure as prescribed in Clause 25 of the Agreement inasmuch as he did not seek

reference of the dispute to the Dispute Redressal Committee (DRC). It is further submitted that claims of the petitioner even otherwise are barred by the limitation and are not maintainable.

4. On the other hand, counsel for the petitioner drawing reference to the notice dated 02.11.2017 addressed to the Chief Engineer (Health), submits that by this letter the petitioner had sought reference of the disputes to Arbitration/DRC. In terms of the Agreement between the parties the Additional Director General, that is, the Chief Engineer (Health) was to constitute the DRC. However, there was no response received by the petitioner to this letter.

5. Having considered the submissions made by the parties, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement. The petitioner had duly requested for reference of the disputes to the DRC for adjudication of its claim in terms of the Agreement. However, the DRC did not respond to the same.

6. With the consent of the parties, I refer the parties to the Delhi International Arbitration Centre (DIAC), where they shall appear on 30th November, 2018 at 3.00 p.m. The DIAC shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement. The arbitration proceedings and fee shall be governed by the DIAC Rules.

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

Dasti.

NAVIN CHAWLA, J

NOVEMBER 13, 2018/Arya