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

+ **ARB.P. 384/2018**

SUBHASH CHANDER

..... Petitioner

Through: Ms. Prachi Prakash, Adv.

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Ms. Cauveri Birbal, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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02.08.2018

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Award Letter no. F2(29)A/Cs/RPD-10/DDA/2013-14/2105 awarding the work of development of green belt in sector 23-25 Rohini Subhead: Construction of mooram path, seat wall, S.B. wall (CC kerb stone), S.B. wall (Brick wall), sand pit for play area, Paved pavement area and entry Plaza in Green belt of Sector-25, Rohini Phase-III. The said Agreement contains an Arbitration Agreement between the parties in form of Clause 25 of the General Conditions of the Contract.

The disputes having arisen arose between the parties, the petitioner vide letter dated 19.12.2017 called upon the Executive Engineer to make the balance payment for the work, however, receiving no response, the petitioner addressed its claims to the Superintending Engineer vide letter dated 02.01.2018. As no response was received even from the

Superintending Engineer, the petitioner vide letter dated 05.02.2018 called upon the Chief Engineer to decide the dispute. The Chief Engineer also failed to give any response to the request, forcing the petitioner to request the Engineer Member vide letter dated 08.3.2018 of the respondent to appoint an arbitrator. As Engineer Member also failed to respond to the request, the present petition was filed.

In spite of opportunity being granted, the respondent has not filed a reply to the petition. The learned counsel for the respondent submits that upon verification it is found that the petitioner had indeed invoked the Arbitration Agreement in accordance with the procedure prescribed in Clause 25 of the General Conditions of the Contract, however, the respondent had failed to appoint an arbitrator.

In view of the above, I see no impediment in appointing a Sole Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the above mentioned Work Letter. I accordingly appoint Mr. Amit Bansal, Advocate (Chamber No. 108, Delhi High Court Lawyers Chambers, Block-III, New Delhi) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties. The arbitrator shall give his disclosure statement under Section 12 of the Act before proceeding with the reference.

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

Dasti.

NAVIN CHAWLA, J

AUGUST 02, 2018

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