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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 390/2018

ARC OUTDOOR MEDIA PVT. LTD.

..... Petitioner

Through Mr. Karan Sharma and Mr. Mohit
Siwah, Advs.

versus

EAST DELHI MUNICIPAL CORPORATION

..... Respondent

Through Ms. Biji Rajesh and Mr. Aman
Bakshi, Advs for Mr. Gaurang Kanth,
Standing Counsel.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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13.12.2018

1 This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (in short '1996 Act').

2 Upon notice being issued in the petition, pleadings stand completed.

3 I have queried learned counsel for the respondent as to why the instant petition is being resisted. Ms. Biji Rajesh, who, appears for the respondent, says that while there is no dispute about the existence of an arbitration agreement, the objection of the respondent is that the ostensible dispute raised in the petition need not be agitated once again, as it has been adjudicated upon vide an Award dated 23.03.2017.

3.1 I am told that this Award was rendered by Mr. Sanjay Kumar, Chief Law Officer of the respondent and involved the parties herein.

4 Learned counsel for the petitioner, however, refutes this submission advanced on behalf of the respondent.

5 To my mind, as long as there is no dispute with regard to the existence of the arbitration agreement, the petition would have to be allowed leaving it open to the respondent to agitate its defence that the issues raised by the petitioner stand already adjudicated upon in an earlier round of arbitration and stand covered by the Award dated 23.03.2017.

6 It is ordered accordingly.

7 Consequently, Mr. Mahavir Singhal, former Additional District Judge, Delhi (Mob. 9650758886), is appointed as an Arbitrator in the matter. Learned Arbitrator will be paid his fees in accordance with the provisions of Fourth Schedule appended to the 1996 Act.

7.1 The learned Arbitrator, before entering upon reference will file a declaration as mandated by Section 12 and other attendant provisions of the 1996 Act.

8 The petition is disposed of in the above terms.

9 *Dasti.*

RAJIV SHAKDHER, J

DECEMBER 13, 2018

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