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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 13.12.2018

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ARB.P. 494/2018

GARG ASSOCIATES

..... Petitioner

Through Mr. Aviral Tiwari, Adv.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through Mr. Kanishk Rana for Mr. Anuj Aggarwal, ASC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

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

2 Notice in this petition was issued on 16.07.2018. Since then, reply and rejoinder have been filed.

3 Learned counsel for the respondents says that the claim made by the petitioner is time barred. Mr. Tiwari, who, appears for the petitioner, says that this is an aspect which can be examined by the Arbitrator as it is a mixed question of fact and law.

4 I tend to agree with this submission of learned counsel for the petitioner.

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5 Concededly, learned counsel for the respondents does not dispute the existence of the arbitration agreement. The only defence to the captioned petition which is put forth by the respondents is that the claim is time barred.

6 To my mind, learned Arbitrator will have to examine the facts of the case and come to the conclusion, one way or the other, as to whether or not the claim of the petitioner is barred by time.

7 Having regard to the aforesaid circumstances, the petition is allowed.

8 Dr. Amit George, Advocate (Mobile No.9910524366) 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. Counsel and their parties will appear before the Mediator on 10.01.2019.

9 The petition is disposed of in the above terms.

RAJIV SHAKDHER, J

DECEMBER 13, 2018

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