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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 588/2018

B S SANGWAN

..... Petitioner

Through: Mr.S.W.Haider, Adv.

versus

UNION OF INDIA

..... Respondent

Through: Mr.Jagjit Singh, Sr. Standing Counsel

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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01.10.2018

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996(hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the work of "Lohta-Bhadohi Section-Linking of BG track and turnouts, provision of glued joint and SEJ, dismantling of existing track and turnouts, handling, lifting, loading, unloading and spreading of ballast, leading of P Way materials and others misc. work in between Lohta (including) to Sewapuri & Bhadohi (including) station in connection with doubling of Lohta-Bhadohi section of Lucknow Division" awarded in favour of the petitioner by the respondent under Agreement dated 08.10.2012.

2. The Arbitration Agreement between the parties is contained in Clause 64 of the General Conditions of the Contract (GCC) appended to the abovementioned Agreement.

3. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 10.05.2018. Having received no response, the present petition was filed.
4. In spite of time granted, the respondent has not filed any reply to the petition.
5. As the existence of the Arbitration Agreement and due invocation thereof by the petitioner have not been denied by the respondent, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties.
6. With the consent of the parties, the parties are referred to the Delhi International Arbitration Centre (DIAC) who shall appoint a sole Arbitrator for adjudicating the disputes that have arisen between the parties.
7. The arbitration proceedings and the fee shall be governed by the DIAC Rules.
8. The petition is allowed in the above terms with no order as to costs.

NAVIN CHAWLA, J

OCTOBER 01, 2018
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