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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 653/2018**

ERA INFRA ENGINEERING LIMITED Petitioner
Through **Mr.Lovkesh Sawhney, Adv.**
versus

AIRPORT AUTHORITY OF INDIA Respondent
Through **Mr.Digvijay Rai, Adv.**

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **31.08.2018**

I.A. No.11710/2018 (Exemption)

Allowed, subject to all just exceptions.

ARB.P. 653/2018

Issue notice.

Notice is accepted by Mr.Digvijay Rai, Advocate on behalf of the respondent.

With the consent of the parties the petition is taken up for final hearing at this stage itself.

This petition has been filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the 'Act') seeking appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relations to the work of construction of New Civil Enclave at Jaisalmer Airport, SH: Main Terminal Building including Allied Works awarded in favour of the petitioner by the respondent vide Letter of Intent dated 28.01.2010, Letter of Award dated 17.03.2010 and Agreement dated 09.04.2010. The Agreement contains an

Arbitration Agreement in form of Clause 25 thereof.

The disputes having arisen between the parties, the petitioner vide its letter dated 16.09.2016 invoked the arbitration Agreement seeking reference of the disputes to the Dispute Resolution Board (DRB). The disputes were duly referred to the DRB, however, the report dated 22.01.2018 given by the DRB was not acceptable to the petitioner.

The petitioner thereafter requested the respondent for appointment of an Arbitrator vide its letter dated 24.03.2018. Having received no response, the present petition has been filed.

Learned counsel for the respondent, who appears on advance notice, submits that the parties may be referred to the Delhi International Arbitration Centre (DIAC) for appointment of an Arbitrator. The suggestion is agreeable to the counsel for the petitioner as well.

In view of the above and as the existence of the Arbitration Agreement and due invocation thereof is not denied by the respondent, parties are referred to the DIAC for appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement.

The arbitration and the fee shall be governed by the rules of the DIAC.

The parties to appear before the DIAC on 17th September, 2018 at 2:00 p.m.

With the above directions, the petition is disposed of.

Dasti.

NAVIN CHAWLA, J

AUGUST 31, 2018/Arya