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

+ ARB.P. 726/2017

HI-TECH GEOSYNTHETICS PVT. LTD. Petitioner
Through Mr.Durgesh Pal, Adv.

versus

ERA INFRA ENGINEERING LTD. Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **17.05.2018**

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 a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the work of construction of RE walls and reinforced soil slopes on Haridwar Highways Projects Limited (HHPL) site, awarded by the respondent to the petitioner under the Work Order dated 08.04.2013.

The Work Order contained an Arbitration Agreement in form of Clause 2.6 thereof which is reproduced herein below:

"2.6 Arbitration

a) Any disputes arising out of this Contract shall be referred to the sole arbitrator i.e. Managing Director of Era Infra Engineering Ltd. Who may further appoint any person not below the rank of General Manager and there shall be no objection if arbitrator so appointed is an employee of Era Infra Engineering Ltd.

In case the Arbitrator to whom the matter is originally referred get transferred or vacates his office or unable to act for any reason as aforesaid at the time of such transfer, vacation of office or inability to act, Managing Director, EIEL shall appoint another person to act as Sole Arbitrator in accordance with the provisions of Arbitration & Conciliation Act 1996.”

The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide notice dated 13.01.2017. Having received no response the present petition was filed.

Upon notice being issued on the petition, the respondent entered appearance on 12.01.2018. At the request of the parties, they were referred to the Delhi High Court Mediation and Conciliation Centre for exploring the possibility of a settlement vide order dated 23.02.2018. The said settlement talks did not fortify into a settlement.

The respondent has not filed any reply to the petition. None appeared for the respondent on 04.05.2018 and even today, in spite of a pass-over being granted, none has appeared for the respondent.

In view of the above, I see no impediment in appointing an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Work Order.

I accordingly, appoint **Mr.Rakesh Siddharath**, Retired Additional District Judge, Delhi, R/o A-1/A, DDA Flats, Munirka, New Delhi-110067, Mobile-9910384655 as the Sole Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the abovementioned Work Order.

The Arbitrator shall give his disclosure statement in terms of Section 12 of the Act before entering into the reference. The Arbitration shall be conducted under the aegis of Delhi International Arbitration Centre and shall be governed by its rules as to procedure and fee.

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

Dasti.

NAVIN CHAWLA, J

MAY 17, 2018/Arya