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

+ **ARB.P. 776/2017**

SHIVALAYA CONST. CO. PVT. LTD Petitioner
Through: Mr Ankit Jain, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY
& ORS Respondents
Through: Ms Kanika Singh and Mr Rishi
Vohra, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 05.03.2018

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an Arbitral Tribunal be constituted to adjudicate the disputes that have arisen between the concerned parties in relation to an agreement dated 05.05.2014 (hereafter 'the Agreement').
2. It is not disputed that the Agreement includes an arbitration clause. It is also not disputed that the petitioner had invoked the arbitration clause by a letter dated 17.06.2017 after complying with the procedure as prescribed under the dispute resolution clause.
3. The learned counsel appearing for the respondents states that the respondents are in process of appointing an arbitrator. It is seen from the above that more than eight months have already passed since the petitioner had issued a notice invoking the arbitration clause. The respondents having

failed to appoint an arbitrator within a reasonable period had forfeited the right to do so.

4. At this stage, the learned counsel for the parties state that they have no objection if the arbitration is conducted under the aegis of Delhi International Arbitration Centre (DIAC).

5. In view of the above, Mr. Justice Shiv Narayan Dhingra, Retired. Judge, Delhi High Court (Mobile No. 9871300027), is appointed to act as a Sole Arbitrator to adjudicate the disputes between the parties. This is subject to the Arbitrator making the necessary disclosure under Section 12 of the Act and not being ineligible under section 12(5) of the Act.

6. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules. The parties shall approach the Co-ordinator, DIAC.

7. It is clarified that all contentions of the parties are reserved.

8. The petition is disposed of.

VIBHU BAKHRU, J

MARCH 05, 2018
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