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\$~30, 43 to 47, 49 & 50

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

+ **W.P.(C) 13948/2018 & CM Nos. 54629/2018 & 54630/2018**

DELHI JAN SUDHAR SAMITI & ORS.

..... Petitioners

Through

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondents

Through

WITH

43.

+ **W.P.(C) 14004/2018 & CM No. 54759/2018**

MAHATMA JYOTI PHULE SANSTHAN

..... Petitioner

Through: Mr Chetan Sharma, Sr. Advocate with
Mr Bhaskar Mishra, Mr Manish
Kumar Choudhary, Mr Ashutosh
Kumar, Ms Namita Choudhary, Ms
Kritika Khurana, Ms Nikita Jain and
Ms Srishti Khurana, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD

..... Respondent

Through: Mr Parvinder Chauhan, Ms Mini
Pushkarna, Ms Swagata Bhuyan, Ms
Shiva Pandey and Ms Neha Goel,
Advocates for DUSIB with Mr
Akshay Kumar Srivastava, Law
Officer, DUSIB.

WITH

44.

+ **W.P.(C) 14013/2018 & CM No. 54776/2018**AURANGABAD DISTRICT SULABH
SHAUCHALAYA SANSTHAN

..... Petitioner

Through: Mr Chetan Sharma, Sr. Advocate with
Mr Bhaskar Mishra, Mr Manish
Kumar Choudhary, Mr Ashutosh
Kumar, Ms Namita Choudhary, Ms
Kritika Khurana, Ms Nikita Jain and
Ms Srishti Khurana, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD

..... Respondent

Through: Mr Parvinder Chauhan, Ms Mini
Pushkarna, Ms Swagata Bhuyan, Ms
Shiva Pandey and Ms Neha Goel,
Advocates for DUSIB with Mr
Akshay Kumar Srivastava, Law
Officer, DUSIB.

WITH

45.

+ **W.P.(C) 14015/2018 & CM No. 54780/2018**TIRTHANKAR MAHAVIR SAMAJIK SEVA
SANSTHAN

..... Petitioner

Through: Mr Chetan Sharma, Sr. Advocate with
Mr Bhaskar Mishra, Mr Ashutosh
Kumar, Mr Manish Kumar
Choudhary, Ms Namita Choudhary,
Ms Kritika Khurana, Ms Nikita Jain
and Ms Srishti Khurana, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD

..... Respondent

Through: Mr Parvinder Chauhan, Ms Mini Pushkarna, Ms Swagata Bhuyan, Ms Shiva Pandey and Ms Neha Goel, Advocates for DUSIB with Mr Akshay Kumar Srivastava, Law Officer, DUSIB.

WITH

46.

+ W.P.(C) 14016/2018 & CM No. 54781/2018

ROHTAS DISTRICT SULABH SHAUCHALAYA
SANSTHAN

..... Petitioner

Through: Mr Chetan Sharma, Sr. Advocate with Mr Bhaskar Mishra, Mr Ashutosh Kumar, Mr Manish Kumar Choudhary, Ms Namita Choudhary, Ms Kritika Khurana, Ms Nikita Jain and Ms Srishti Khurana, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD

..... Respondent

Through: Mr Parvinder Chauhan, Ms Mini Pushkarna, Ms Swagata Bhuyan, Ms Shiva Pandey and Ms Neha Goel, Advocates for DUSIB with Mr Akshay Kumar Srivastava, Law Officer, DUSIB.

WITH

47.

+ W.P.(C) 14017/2018 & CM No. 54782/2018

CHAPRA DISTRICT SULABH SHAUCHALAYA
SANSTHAN

..... Petitioner

Through: Mr Chetan Sharma, Sr. Advocate with Mr Bhaskar Mishra, Mr Ashutosh

Kumar, Mr Manish Kumar
Choudhary, Ms Namita Choudhary,
Ms Kritika Khurana, Ms Nikita Jain
and Ms Srishti Khurana, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD

..... Respondent

Through: Mr Parvinder Chauhan, Ms Mini
Pushkarna, Ms Swagata Bhuyan, Ms
Shiva Pandey and Ms Neha Goel,
Advocates for DUSIB with Mr
Akshay Kumar Srivastava, Law
Officer, DUSIB.

WITH

49.

+ **W.P.(C) 14020/2018 & CM No. 54787/2018**

MAHATMA FULE SCAVENGER MukTI
SANSTHAN

..... Petitioner

Through: Mr Chetan Sharma, Sr. Advocate with
Mr Bhaskar Mishra, Mr Ashutosh
Kumar, Mr Manish Kumar
Choudhary, Ms Namita Choudhary,
Ms Kritika Khurana, Ms Nikita Jain
and Ms Srishti Khurana, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD

..... Respondent

Through: Mr Parvinder Chauhan, Ms Mini
Pushkarna, Ms Swagata Bhuyan, Ms
Shiva Pandey and Ms Neha Goel,
Advocates for DUSIB with Mr
Akshay Kumar Srivastava, Law
Officer, DUSIB.

AND

50.

+ W.P.(C) 14022/2018 & CM No. 54790/2018

SITAMARHI DISTRICT SULABH SHAUCHALAYA
SANSTHAN

..... Petitioner

Through: Mr Chetan Sharma, Sr. Advocate with
Mr Bhaskar Mishra, Mr Ashutosh
Kumar, Mr Manish Kumar
Choudhary, Ms Namita Choudhary,
Ms Kritika Khurana, Ms Nikita Jain
and Ms Srishti Khurana, Advocates.

versus

DELHL URBAN SHELTER IMPROVEMENT
BOARD

..... Respondent

Through: Mr Parvinder Chauhan, Ms Mini
Pushkarna, Ms Swagata Bhuyan, Ms
Shiva Pandey and Ms Neha Goel,
Advocates for DUSIB with Mr
Akshay Kumar Srivastava, Law
Officer, DUSIB.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.12.2018

1. The petitioners have filed the present petitions, *inter alia*, impugning s resolution passed by Delhi Urban Shelter Improvement Board (DUSIB) on 05.12.2018, inasmuch as, DUSIB has decided to terminate the respective agreements entered into with the petitioners for maintenance of Jan Suvidha Complexes. The petitioners claim that the work of maintenance and operation of the said complexes was awarded to the petitioners for a period of thirty years, and the decision of the DUSIB to terminate the same

amounts to a breach of the Agreements.

2. Mr Chauhan, learned counsel appearing for the DUSIB states that the Agreements between the parties include an arbitration clause, which would cover the disputes raised in the present petitions. He has also referred to Clause 19 of one of the Agreements, which is placed on record.

3. There appears to be some controversy whether the said arbitration clause would extend beyond the contract for construction of the complexes; nonetheless, Mr Chauhan insists that Clause 19 is very wide and would cover all disputes, including the one that raised in the present petitions. The learned counsel appearing for the petitioner also concurs with the contention that the arbitration clause would cover the disputes and prays that the parties be referred to arbitration.

4. Mr Chauhan states, on instruction, that the DUSIB is also agreeable for the disputes to be resolved by an independent arbitrator.

5. With the consent of parties, Mr. Prem Kumar, Retd. Additional District Judge (contact number: +91-9873176030), is appointed as the Sole Arbitrator to adjudicate the disputes arising from the respective contracts/licences awarded to the petitioners for management/operation and maintenance of Jan Suvidha Complexes. This is subject to the Arbitrator making the necessary disclosure under Section 12(1) of the Arbitration and Conciliation Act and not being ineligible under Section 12(5) of the Said Act. It is clarified that although the disputes may be considered together, the dispute raised by each petitioner shall be considered separately and separate awards shall be made in respect of each petitioner. The arbitration shall be conducted under the aegis of the Delhi International Arbitration Centre (DIAC) and in accordance with its Rules.

6. The parties are at liberty to approach the Co-ordinator, DIAC, for further proceedings.
7. The petitions are disposed of. The pending application is also disposed of.
8. Order *dasti* under signatures of the Court Master.



VIBHU BAKHRU, J

DECEMBER 21, 2018
MK