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

+ ARB.P. 42/2019 and I.A. Nos.1007/2019(exemption) &
1008/2019(for condonation of delay)

M/S DIPLOMAT ENGINEERS Petitioner

Through: None.

versus

ENGINEERS IN CHIEF BRANCH INTEGRATED HQ OF MOD,ARMY
& ORS. Respondents

Through: Mr. Pratyush Miglani, Advocate (M.
No.9811014020).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **23.01.2019**

1. No one appears for the petitioner in spite of two calls with the second call being made after lunch.

2. It is noted that this petition under Section 11 of the Arbitration & Conciliation Act, 1996 for appointment of the Arbitrator is defective, vague and incomplete. This is stated because in the petition reference is made of a contract of the years 2006 and 2007 without mentioning that what further happened to that contract, whether it was performed, if so till what stage, and if disputes arose then what were the disputes which first arose and when etc etc. In fact, even a copy of the contract is not filed, and of which

no date is given in the petition. It is also not stated in the petition as per which clause of the contract reference will be made to the arbitration as stated under the General Conditions of Contract applicable to the respondents. Finally, it is also noted that what are the disputes and how they fall within the subject matter of the arbitration clause are not stated in the petition. Obviously the petition filed is not only without cause of action but the petition filed would be quite clearly barred by limitation because the contract is of the years 2006 and 2007 and it is not stated in the petition when the disputes first arose for reference being sought to arbitration.

3. Since no one appears for the petitioner, this petition is dismissed in default and for non-prosecution. Let no application for restoration and recall of this order be entertained unless costs of Rs.25,000/- are first deposited with the website www.bharatkeveer.gov.in

VALMIKI J. MEHTA, J

JANUARY 23, 2019

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