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

+ ARB.P. 115/2019

EMVIANS ENTERPRISES Petitioner

Through: Mr. P.R. Chopra, Advocate.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Anupam Srivastava, ASC for
GNCTD with Mr. Dhairya Gupta,
Advocate for R-2.

+ ARB.P. 328/2019

EMVIANS ENTERPRISES Petitioner

Through: Mr. P.R. Chopra, Advocate.

versus

EXECUTIVE ENGINEER & ANR. Respondents

Through: Mr. Shadan Farasat, ASC with
Ms. Radrakshi Deo, Advocates for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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25.07.2019

1. Both the petitions under Section 11 (6) of the Arbitration and Conciliation Act, 1996 seek appointment of a Sole Arbitrator. Learned counsel for the Respondents, on instructions states that they have no objection to the prayer made in the application. There is thus, no disagreement between the parties that the disputes that have arisen between them require to be adjudicated in terms of Clause 25 of the Contract. The invocation of the arbitration clause is also not in dispute. Mr. P.R. Chopra on instruction submits that his client

has no objection in case the Court were to direct the Respondents to appoint an Arbitrator from its panel in terms of the aforesaid clause.

2. Accordingly, in both the petitions Respondents are directed to appoint an Arbitrator in terms of clause 25 of the Contract from its panel of Arbitrators and intimation to that effect should be sent to the Petitioner within a period of two weeks from today.

3. The appointed arbitrator shall comply with the Section 12(5) of the Act which reads as under:

“12(5) Notwithstanding any prior agreement to the contrary, any person whose relationship, with the parties or counsel or the subject-matter of the dispute, falls under any of the categories specified in the Seventh Schedule shall be ineligible to be appointed as an arbitrator:

Provided that parties may, subsequent to disputes having arisen between them, waive the applicability of this sub-section by an express agreement in writing.”

4. Petitions are disposed of in accordance with the above terms.

SANJEEV NARULA, J

JULY 25, 2019

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