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

+ ARB.P. 16/2019

SH. VARUN GUPTA

..... Petitioner

Through: Mr.S. Goel and Mr.Shivam Goel,
Advocates

versus

IRRIGATION & FLOOD CONTROL
DEPARTMENT & ORS.

..... Respondents

Through: Ms.Urvi Mohan, Advocate for
Mr.Sanjoy Ghose, ASC, GNCTD for
GNCTD

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **14.02.2019**

1. The petitioner is seeking appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act.
2. The arbitration agreement between the parties is contained in Clause 25(ii) of the work contract agreement which is reproduced in para 18 of the petition. The petitioner validly invoked the arbitration agreement vide invocation letter dated 13th July, 2018 which was not responded.
3. Learned counsel for the respondent submits that the respondent appointed an arbitrator after receipt of the notice from this Court on 29th January, 2019.
4. Learned counsel for the petitioner submits that the respondents had no right to appoint an arbitrator after the filing of the petition and, therefore, the independent arbitrator be appointed by this Court.
5. There is merit in the contention urged by learned counsel for the

petitioner.

6. The application is allowed and Mr. Amrit Lal Aggarwal (Mobile No.9811100361) is appointed as a Sole Arbitrator to adjudicate the claims as well as counter claims of the parties.

7. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre.

8. The learned arbitrator shall ensure the compliance of Section 12 read with Fifth and Sixth schedule of Arbitration and Conciliation Act, 1996 before commencing the arbitration.

9. The fee of the learned arbitrator shall be in accordance with the schedule of fees prescribed under the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules.

10. Copy of this order be sent to Delhi International Arbitration Centre.

11. Copy of this order be sent to the learned arbitrator.

12. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

FEBRUARY 14, 2019

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