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

+ O.M.P.(I) (COMM.) 10/2019

ASCENT CONSTRUCTIONS PVT. LTD. Petitioner
Through Mr. Rahul Kumar Singh, Mr. Jitender
Singh and Mr. Kamla Prasad, Advs.

versus

AR LANDCRAFT LLP Respondent
Through Mr. Kapil Madan, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% **18.02.2019**

1. Mr. Madan, who, appears for the respondent, says that he has instructions to convey to the Court that the respondent has no objection if an Arbitrator is appointed.
2. Further, the learned counsel for the respondent says that since the arbitration agreement provides for appointment of an Engineer, who has knowledge of civil works, this Court could consider appointing an Arbitrator, who has the necessary qualifications.
3. Accordingly, the petition is disposed of with the following directions:
 - (i) Mr. J.P. Singhal, former Chief Engineer, CPWD (Cell No.9810200898), is appointed as an Arbitrator in the matter.
 - (ii) The learned Arbitrator will be paid his fee in accordance with the provisions of the Fourth Schedule appended to the Arbitration and Conciliation Act, 1996 (for short '1996 Act').

(iii) The learned Arbitrator, before entering upon reference, will file a declaration under Section 12(5) read with the attendant provisions of the 1996 Act.

4. In view of the above, the captioned petition will be placed before the learned Arbitrator, who will treat the same as an application under Section 17 of the 1996 Act.

5. The learned Arbitrator will render a decision in the application after giving due opportunity to both the sides.

RAJIV SHAKDHER, J

FEBRUARY 18, 2019

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