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

+ **ARB.P. 35/2019**

V R TECHNICHE CONSULTANTS PRIVATE LIMITED

..... Petitioner

Through: Mr.Sunil Singh Parihar, Mr.Aditya Dev
Triguna, Advs.

versus

INDIAN HIGHWAY MANAGEMENT COMPANY LIMITED

..... Respondent

Through: Mr.Soumya Priyadarshinee, Mr.Mukesh
Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **21.01.2019**

IA's 780-781/2019

Exemption allowed subject to all just exceptions.

Arb.P. 35/2019

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Agreement dated 10th February, 2015 executed between the parties for Conducting Traffic Surveys on National Highways in Zone-3 (in the States of Rajasthan, Madhya Pradesh and Chattisgarh) using Portable Automatic Traffic Counter & Classifier (ATCC) Systems.

2. The petitioner had invoked the Arbitration Agreement by its

notice dated 10.08.2018. Thereafter, the parties had a Conciliation Meeting wherein the petitioner had agreed to give its consent to match the rates of L1 agency of Phase-III Request for Proposal (RFP).

3. Counsel for the respondent submits that with the above, the parties had amicably settled all their disputes. She places reliance on the order dated 27.11.2018 passed by this Court in OMP(I)(Comm.) No. 207/2018 titled ***V R Techniche Consultants Pvt. Ltd vs. Indian Highways Management Company Limited***, wherein again paragraph 4 records as under:-

“4. The record shows that the counsel for the parties had been taking time to arrive at a settlement. Since a settlement has been arrived at, to my mind, nothing survives in the captioned petition.”

4. Admittedly, the petitioner did not protest after the Conciliation Meeting on 19.11.2018 or challenge the finding of the settlement recorded in the order dated 27.11.2018. The present petition, is relying upon the earlier invocation of arbitration by the notice dated 10.08.2018, and therefore, is not maintainable.

5. The petition is dismissed, with no order as to costs.

NAVIN CHAWLA, J

JANUARY 21, 2019
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