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

+ **ARB.P. 185/2019**

VIJAY SINGH

..... Petitioner

Through: Mr.Surender Singh, Mr.Sanjay Kumar,
Advs.

versus

GARRISON ENGINEER (CENTRAL)

..... Respondent

Through: Mr.Praveen Kumar Jain, Ms.Rashmi
Kumari, Advs. along with Mr.Inderjeet Mehra,
Asstt. Engineer (Contract) of respondent.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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18.03.2019

IA 3996/2019

Exemption allowed subject to all just exceptions.

IA 3997/2019(delay of 8 days in re-filing the petition)

This is an application seeking condonation of 8 days delay in
re-filing the petition.

For the reasons stated in the application, the delay is condoned
and the application stands allowed.

Arb.P. 185/2019

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 No.GE/C-67/2016-17 dated 26.12.2016 for special repair work of Building No.P-83 of Raj Rifle Regiment Centre, provided for car/two wheeler parking for JCR/OR MD ACCN

of ESSTU at 1 WEC Line and certain works in the area of age B/R-1 under GE(Central), Delhi Cantt-10.

2. The Arbitration Agreement between the parties is contained in Clause 12 of the Agreement read with Condition 70 of the IAFW-2249 forming part of the Contract Agreement.

3. Disputes having arisen between the parties, the respondent invoked the Arbitration Agreement vide notice dated 22.11.2018 requesting for consent of the petitioner for appointment of a serving officer of the respondent as an Arbitrator. The petitioner refused to give such consent vide its letter dated 26.12.2018.

4. As respondent did not appoint an Arbitrator, the present petition has been filed.

5. Counsel for the respondent who appears on an advance notice submits that the respondent has no objection on the appointment of an Arbitrator by this Court. He however, submits that such arbitration proceedings be conducted in the office of the respondent as the respondent provides facilities for conduct of arbitration proceedings and it would also lead to saving of additional costs by the parties. The suggestion is agreeable to the counsel for the petitioner.

6. As the existence of the Arbitration Agreement and due invocation thereof are not denied, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned work. I appoint **Mr.Anil Kumar Aggarwal**, Advocate (R-11 (LGF), Haus Khas Enclave, New Delhi-110016, Mobile-9871228998) as a Sole Arbitrator, who I am informed, also possesses a qualification as an

Engineer and would therefore, be eligible under the Arbitration Agreement to be appointed as such.

7. The Arbitrator shall give a disclosure under Section 12 of the Act before proceeding with the reference.

8. The petition is allowed in the above terms with no order as to costs.

Dasti.

NAVIN CHAWLA, J

MARCH 18, 2019
RN