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

+ ARB.P. 327/2019

RAHUL BUILDERS THROUGH: PROP. SHRI SANJEEV
KUMAR Petitioner

Through: Mr. Sanjay Bansal, Adv.

versus

IRRIGATION & FLOOD CONTROL
DEPARTMENT Respondent

Through: Mr. Anupam Srivastava, ASC with
Ms. Divya Joshi, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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26.09.2019

This petition has been filed by the petitioner under Section 11 (6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.

The only objection taken by Mr. Anupam Srivastava, learned ASC, GNCTD appearing for the respondent is that the petitioner has not complied with the procedure stipulated in the contract before invoking the arbitration clause, inasmuch as the petitioner had to first approach the Executive Engineer and thereafter the Chief Engineer before invoking the arbitration clause.

On this submission of the learned counsel for the respondent, the learned counsel for the petitioner has drawn my attention to pages 6 and 7 of the documents to contend that the petitioner had in fact approached the Superintendent Engineer, and Chief Engineer who have not taken any action

on his grievance.

If that be so, the dispute having arisen, this court is of the view that an Arbitrator needs to be appointed for adjudication of the inter-se dispute. Accordingly, the parties are relegated to the Delhi International Arbitration Centre who shall appoint an Arbitrator from its panel. The appointment of the Arbitrator shall be regulated by the DIAC Rules.

Parties to appear before the Coordinator DIAC on October 15, 2019.

A copy of this order be sent to the Coordinator, DIAC.

Dasti.

V. KAMESWAR RAO, J

SEPTEMBER 26, 2019/jg