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

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Date of decision: 21.10.2019

+ ARB.P. 660/2019

GAURAV ENTERPRISES

..... Petitioner

Through: Mr. Tarkeshwar Nath & Mr. Mahavir
Rawat, Advocates

versus

COMMISSIONER (TRANSPORT DEPARTMENT)..... Respondent

Through: Mr. Anupam Srivastava, ASC with
Ms. Swati Singh & Ms. Divya Joshi,
Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. No. 14506/2019 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ARB.P. 660/2019

1. This is a petition under Section 11(6) of the Arbitration & Conciliation Act, 1996 ('Act') for appointment of an Arbitrator to adjudicate the disputes between the parties.
2. An agreement was entered into between the parties on 23.05.2011 with respect to providing security services at the various sites of the respondent. The petitioner deployed its security personnel at the various sites of the respondent with effect from 1.6.2013. As per the petitioner it requested the respondent vide letter dated 2.5.2013 for

extension of the contract. The contract was extended for a period of one year up to 31.5.2014. However, after the second extension on 2.3.2015 the contract was cancelled by the respondent.

3. Aggrieved with the cancellation of the contract, the petitioner filed a petition under Section 9 of the Act in this Court. Later the said petition was withdrawn with liberty to seek resolution of the disputes in terms of the provisions of the contract.
4. The petitioner bills amounting to Rs. 3,00,65,460/- for the period June, 2013 to March, 2015. As per the petitioner, it sent several request letters for releasing the payments due but there was no response from the respondent.
5. Constrained by this situation, the petitioner invoked the Arbitration Clause for appointment of an Arbitrator vide letter dated 10/27.4.2015.
6. The respondent failed to appoint an Arbitrator. The petitioner approached this Court for appointment of the Arbitrator and vide order dated 26.08.2016 this Court appointed a Sole Arbitrator.
7. The Sole Arbitrator passed an Award on 1.5.2017 which was challenged under Section 34(3) of the Act by the petitioner by filing an O.M.P. (COMM) No. 325/2017.
8. On 08.04.2019, this Court set aside the Award leaving it open to the petitioner to re-agitate its claims in accordance with law.
9. On 16.04.2019, the petitioner again invoked the Arbitration Clause. It is the contention of the petitioner that despite the invocation of

Arbitration Clause, respondent has failed to appoint an Arbitrator. Hence, the present petition has been filed.

10. Issue notice.
11. Mr. Anupam Srivastava, Advocate enters appearance and accepts notice on behalf of the respondent. He submits, on instructions from Mr. Rajiv Rana, Deputy Commissioner, Transport, that he has no objection to the appointment of the Arbitrator.
12. I have heard learned counsel for the petitioner.
13. With the consent of the parties, Ms. Justice Pratibha Rani, a former Judge of this Court, is appointed as Sole Arbitrator to adjudicate the disputes between the parties.
14. The address and mobile number of the learned Arbitrator is as under:
Address: Tower No. 23, Flat No. 603, Parsvnath La-Tropicana,
Khyber Pass, Delhi.
Mobile No.: 9910384626
15. The learned Arbitrator shall give disclosure under Section 12 of the Act before entering upon reference.
16. Fee of the Arbitrator shall be fixed as per Fourth Schedule of the Act.
17. The petition is allowed in the aforesaid terms.

JYOTI SINGH, J

OCTOBER 21, 2019

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