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

+ O.M.P. 819/2012

(7) O.M.P. 820/2012

NORTH DELHI MUNICIPAL CORPORATION Petitioner

Through: Ms.Jyoti Taneja, Standing Counsel
NDMC.

versus

M/S GOLDY CONSTRUCTION COMPANY & ANR

..... Respondents

Through: Mr.Moni Cinmoy, Mr.Ajay Tiwari,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **21.02.2019**

1. These petitions challenge a common Award dated 12.05.2012 passed by the Sole Arbitrator adjudicating the disputes that have arisen between the parties in relation to the following two Works awarded by the petitioner in favour of the respondent:

(a) Construction of Pucca School building at 28 Block, West Patel Nagar, Karol Bagh, New Delhi vide Work Order dated 14.01.2003; and

(b) Work of Imp and re-surfacing of Rama road in K.B.Zone, S/H-construction of drainage system vide work order dated 31.1.2005.

2. Counsel for the petitioner has argued that the Arbitral Award is unreasoned and therefore, cannot be sustained.

3. Though, counsel for the respondent disputed this position, he

submits that in order to expedite the adjudication, he is agreeable to the setting aside of the Impugned Award, subject to the condition that the petitioner agrees for appointment of an Arbitrator who may adjudicate the disputes that have arisen between the parties in relation to the abovementioned Work Orders *de novo* based on the pleadings, documents and evidence already on record and in case, the parties wish to file any further documents or lead further evidence, the Arbitrator may decide such request remaining uninfluenced by the Impugned Award.

4. Counsel for the petitioner is also agreeable to this course being followed.

5. In view of the above, while setting aside the Impugned Award dated 12.05.2012, I appoint **Mr.Kamlesh Kumar**, Retd. District & Sessions Judge, Delhi (F-149, LIC Colony, Paschim Vihar, New Delhi-110087, Mobile-9971208844) as an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreements. Needless to say, this would be considered as a case of two separate references before the Arbitrator.

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

7. The parties shall be free to file the Arbitral Record of the earlier arbitration proceedings before the Arbitrator.

8. The Registry may return the Arbitral record which has been filed before this Court to the counsel for the respondent who may file it before the newly appointed Arbitrator.

9. As noted above, the Arbitrator shall be free to consider any

request made by the parties to file additional documents or evidence on record in support of their case on its own merit.

10. The petitions are disposed of with the above directions, with no order as to costs.

FEBRUARY 21, 2019
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NAVIN CHAWLA, J