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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ ARB.P. 683/2018

P.K. BHATIA

..... Petitioner

Through: Mr.Amit Sarkar, Adv.

versus

H.S.C.C (I) LTD.

..... Respondent

Through: Mr.Saurabh Mishra, Mr.Abhishek
Singh and Ms.Samridhi Pal, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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21.01.2019

1. This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Appointment Letter dated 30.11.2007 executed between the parties. The said letter contains an Arbitration Agreement in form of Clause (xi) thereof and confers exclusive jurisdiction on Courts at Delhi.
2. The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement by his legal notice dated 01.04.2018. Having failed to receive any response, the present petition was filed.
3. The respondent in its reply has *inter-alia* asserted that there is no dispute to be adjudicated between the parties as the respondent has sought advice from the Department of Public Enterprises on the claims of the petitioner, however, no such advice has been received till date.

4. In my view, the above cannot be a valid justification for not appointing an Arbitrator for adjudicating the claims raised by the petitioner.

5. In view of the above and with the consent of the parties, the parties are referred to the Delhi International Arbitration Centre (DIAC) where they shall appear on 29th January, 2019 at 3.00 p.m. The DIAC shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Appointment Letter. The arbitration proceedings and fee shall be governed by the DIAC rules.

6. The petition is allowed in the above terms with no order as to cost.

Dasti.

NAVIN CHAWLA, J

JANUARY 21, 2019/Arya