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

+ ARB.P. 873/2018

MANRAJ ENTERPRISES Petitioner
Through: Mr. S.W. Haider, Advocate

versus

UNION OF INDIA Respondent
Through: Mr. Jagjit Singh, Mr. Preet Singh and
Mr. Vipin Chaudhary, Advocates

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **30.01.2019**

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'Act') has been filed by the petitioner seeking appointment of a Sole Arbitrator for adjudication of the disputes that have arisen between the parties in relation to the award of work pertaining to "Removal of Permanent Speed Restriction (PSR) and Shifting of Turnouts at AMIN, TRR, BZJT & PNP under DUK section under Sr.DEN-I/DLI", awarded by the respondent in favour of the petitioner vide letter dated 11.06.2018. The Arbitration Agreement between the parties is contained in Clause 64 of the Indian Railways Standard General Conditions of Contract, 2014.
2. Disputes having arisen between the parties, the petitioner invoked the arbitration agreement vide its letter dated 10.09.2018. Having failed to

receive a response to the same by the respondent, the present petition has been filed.

3. Notice of the petition was issued to the respondent and accepted by its counsel on 10.12.2018. As no reply was filed, vide order dated 17.01.2019 further time was given to the respondent to file its reply. Today again, no reply has been filed and the counsel prays for further time to file the reply.

4. I do not see any justification for granting further time to the respondent to file its reply especially keeping in view the mandate of Section 11(13) of the Act.

5. In view of the above, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the above-mentioned letter of award of work.

6. The parties are referred to Delhi International Arbitration Centre (DIAC) where they shall appear on 11.02.2019 at 2.00 p.m. DIAC shall appoint a Sole Arbitrator for adjudication of the disputes that have arisen between the parties. The arbitration proceedings shall be held under the aegis of the Delhi International Arbitration Centre (DIAC) and the DIAC rules as to the procedure and fee shall be applicable to such proceedings.

7. All contentions of either party shall remain open in such arbitration proceedings.

8. The petition is disposed of with above directions and no order as to cost.

Dasti.

NAVIN CHAWLA, J

JANUARY 30, 2019

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