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

+ ARB.P. 887/2018

M/S PLATINUM ENGINEERS Petitioner
Through Ms.Seema Singh, Advocate

versus

UNION OF INDIA & ORS. Respondents
Through Mr.Ruchir Mishra, Mr.M.K. Tiwari,
Advocates along with Ajay Salinkha,
AG (Contracts), Mr.Mukesh Kumar
JE (QSN&C)

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER
16.01.2019

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1. The petitioner is seeking appointment of an arbitrator under Section 11 of the Arbitration and Conciliation Act.
2. The respondent awarded a contract for special repair/replacement of Ber Central AC plant installed in the OPS Room of HQ WAC, IAF Subroto Park on 19th October, 2013. The disputes arose between the parties with respect to the said contract whereupon the petitioner invoked the arbitration agreement and the respondent appointed Brigadier, Rajiv Sawhney as an arbitrator on 22nd December, 2016. The sole arbitrator resigned as an arbitrator after his retirement on 23rd August, 2017 whereupon Brigadier Neeraj Parashar was appointed on 16th October, 2017. On 26th September, 2018, the Brigadier Neeraj Parashar also resigned on account of his retirement. The petitioner requested for appointment of a new arbitrator on 31st October, 2018 but no arbitrator has been appointed till date and therefore, the petitioner has approached this Court.

3. Learned counsel for the respondents submits on instructions that the respondents have initiated the process for appointment of the new arbitrator and the matter is pending before the competent authority.
4. Learned counsel for the petitioner submits that the new arbitrator be appointed by this Court in view of the failure of the respondent to appoint the arbitrator.
5. The petition is allowed and Mr.K.B. Rai, Retd. Chief Engineer, (Mobile: 9810215732) is appointed as a sole arbitrator to adjudicate the disputes between the parties.
6. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre.
7. The learned arbitrator shall ensure the compliance of Section 12 read with Fifth and Sixth schedule of Arbitration and Conciliation Act, 1996 before commencing the arbitration.
8. The fee of the learned arbitrator shall be in accordance with the schedule of fees prescribed under the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules.
9. The respondents shall furnish the record of the Arbitral Tribunal to Delhi International Arbitration Centre within three weeks from today and the new arbitrator shall enter reference and start from the stage upto which the arbitration had been conducted by the previous arbitrators.
10. Copy of this order be sent to the learned arbitrator.
11. Copy of this order be sent to Delhi International Arbitration Centre.
12. Copy of this order be given dasti to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

JANUARY 16, 2019

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