

\$~21

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

+ ARB.P. 851/2019

C.P. RAMA RAO THROUGH: ITS SOLE PROPRIETOR C.P.
RAMA RAO Petitioner

Through: Ms. Bani Brar, Adv.

versus

NATIONAL HIGHWAYS AUTHORITY OF
INDIA Respondent

Through: Mr. Ankur Mittal, Mr. Abhay Gupta
and Mr. Ankur Saboo, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

21.01.2020

This is a petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator. The relevant clauses relating to the arbitration agreement reads as under:

“(a) All disputes and/or differences except those which are mentioned in the matters non-arbitral under Clause 26 above arising between the parties out of this contract shall be settled by Arbitration under and in accordance with the provisions of the Arbitration and Conciliation Act, 1996. The Chairman of the Authority or his nominee shall be the sole Arbitrator. The award made and published in pursuance of such Arbitration proceedings shall be final and binding on both the parties.

(b) The proceedings of the Arbitration shall be held in English language and shall be held at such place as may be decided by the Chairman of the Authority or his nominee. The award of the Arbitration shall be final and binding on both the parties to the Contract.

(c). Pending resolution of any dispute pursuant to Arbitration, under all circumstances the Contractor shall continue to remit the agreed installments of money to the Authority as prescribed in this Contract including when the dispute is about the amount to be remitted.

(d). The contract agreement shall be governed by and construed in accordance with the laws of India and the Courts at New Delhi shall have the exclusive jurisdiction over all disputes arising under pursuant to and / or in connection with the contract agreement.”

The petitioner had invoked the arbitration clause through various notices, first one being on November 29, 2018 and the last one being on November 8, 2019.

Concedingly, respondent did not appoint an arbitrator pursuant to the aforesaid notices. Respondent having forfeited their right to appoint an Arbitrator, this court appoints Justice V.S. Aggarwal, a retired Judge of this Court as the Sole Arbitrator, who shall adjudicate the disputes and differences between the parties. The appointment of Justice V. S. Aggarwal shall be regulated by the provisions of the DIAC Rules. Parties to appear before Justice V.S. Aggarwal after taking a prior appointment on his mobile number being 9891175550.

Let a copy of this order be sent to Justice V.S. Aggarwal for information.

Petition stands disposed of.

V. KAMESWAR RAO, J

JANUARY 21, 2020/jg