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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 877/2019

R K BARARIA THROUGH SHRI R K BARARIA..... Petitioner

Through: Mr. Sanjay Banal, Adv.

versus

NANDI INFRATECH PVT. LTD

..... Respondent

Through: Mr. Bipin Kumar, Mr. Suresh Chandra
Sharma, Advs. along with Sh. Rajesh
Chopra-Director.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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06.02.2020

1. The present petition under Section 11(6) Arbitration and Conciliation Act, 1996 seeks appointment of an Arbitrator to adjudicate the disputes and differences which have arisen between the parties in relation to agreement dated 18.04.2018.

2. Learned counsel for the petitioner submits that in view of arbitration clause 34 contained in the aforesaid agreement, the present disputes are required to be referred to arbitration. The relevant clause reads as under:-

“All disputes of any kind whatever arising during the progress of work or after their completion, shall be settled by the Arbitrator appointed by both the parties under the provision of Arbitration and Conciliation Act, 1996 as amended from time to time including provisions in force at the time the reference is made and their decision shall be final without any appeal. The venue of the arbitration/jurisdiction shall be New Delhi ”

3. The learned counsel for the respondent fairly does not oppose the petition and submits that this Court may appoint any independent Arbitrator.

4. The petition is accordingly allowed. Mr.S.M.Aggarwal, ADJ (Mob No.9891983608) is appointed as an Arbitrator to adjudicate the disputes and differences which have arisen between the parties.
5. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre (in short 'DIAC'). The fees 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.
6. Before commencing arbitration proceedings, the Arbitrator will ensure compliance of Section 12 of the Arbitration and Conciliation Act, 1996.
7. A copy of this order be sent to the DIAC as also to the learned Arbitrator.
8. The petition is disposed of in the aforesaid terms.

REKHA PALLI, J.

FEBRUARY 06, 2020
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