

\$~34

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

+ O.M.P. (T) (COMM.) 11/2020 & IA Nos.1949/2020, 1950/2020

M/S ALIYAN CONSTRUCTION CO.

..... Petitioner

Through: Ms.Kanika Singh with Ms.Sakshi
Anand, Advs. & Mohd. Irshad,
Director

versus

GOVERNMENT OF NCT OF DELHI

..... Respondent

Through: Mr.Ramesh Singh with Ms.Tara
Narula & Mr.Chirayu Jain, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **11.02.2020**

1. The present petition under Section 14 read with Section 15 of the Arbitration and Conciliation Act, 1996 seeks termination of the mandate of the Sole Arbitrator appointed by the respondent to adjudicate the disputes which have arisen between the parties in relation to the agreement no.4/EE/EBMD-M-221/PWD/GNCTD/2017-18.

2. After some arguments, learned counsel for the petitioner submits that in consonance with its letter dated 21.01.2020 addressed to the respondent, the petitioner is agreeable to the appointment of an

Arbitrator from the panel maintained by the respondent, notwithstanding its prayer for the appointment of an independent Arbitrator to adjudicate this dispute in terms of the decision of the Supreme Court in *Perkins Eastman Architects DPC vs. HSCC (India) Ltd.* 2019 SCC Online 1517. She however, submits that the present Arbitrator, namely Sh. A.K. Sharma, already appointed by the respondent is not acceptable to the petitioner. She, therefore, prays that the petitioner be permitted to select two names from the respondent's panel of arbitrators, out of which the respondent may appoint one as the sole arbitrator.

3. Issue notice. Mr. Ramesh Singh, learned standing counsel for the respondent, who appears on advance notice, has no objection to the petitioner's prayer.

4. In view of the aforesaid stand taken by the parties, the petition is adjourned and, while terminating the mandate of Shri A.K. Sharma, the petitioner is directed to propose, within one week, the names of two Arbitrators from its panel of arbitrators. Thereafter the respondent will, within one week, appoint one of the two persons selected by the petitioner as the Sole Arbitrator to adjudicate the disputes between the parties arising out of agreement No. 4/EE/EBMD-M-221/PWD/GNCTD/2017-18.

5. It is, however, made clear that merely because the mandate of Shri A.K. Sharma has been terminated, it will not be treated as any reflection on his impartiality or competence. The said order has been passed on account of the fair stand adopted by the learned counsel for the respondent that since the petitioner is consenting to the

appointment of an Arbitrator from the respondent's own panel, he does not object to the petitioner choosing its preferred arbitrator from the said panel.

6. The petition is disposed of along with the pending applications.

DASTI.

REKHA PALLI, J

FEBRUARY 11, 2020

gm