

Via video conferencing

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 270/2020

PAVE INFRASTRUCTURE PVT LTD

..... Petitioner

Through Mr.Sachin Datta, Sr. Adv. With Mr.
Jayant Kumar, Adv.

versus

WAPCOS LTD

..... Respondent

Through Mr.Krishnendu Datta with Mr.Kapil
Gupta, Ads.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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19.08.2020

1. This is a petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of the disputes, which have arisen between the parties in relation to the Construction Contract dated 07.04.2017, in accordance with clause 5.30.2 of the conditions of contract, which provides for adjudication of disputes through arbitration.

2. Upon notice being issued, though a reply has been filed by the respondent opposing the present petition, after some arguments, learned counsel for the respondent submits, on instructions, that in the peculiar facts of the present case, even though the respondent has proposed the panel of five names, it has no objection to this Court appointing an independent Arbitrator.

3. Accordingly, in view of the fair stand taken by the respondent, the petition is allowed and Justice A.K.Pathak, former Judge of this Court (Mobile No.9910384602) is appointed as the sole Arbitrator for adjudication of the disputes, which have arisen between the parties in relation to the Construction Contract dated 07.04.2017.
4. It is made clear that this Court has not considered the rival claims of the parties on merits and it will, therefore, be open for them to file claims/counter claims and raise all pleas permissible in law, before the learned Arbitrator, which will be decided in accordance with law.
5. Before commencing arbitration proceedings, the learned Arbitrator will ensure compliance of Section 12 of the Act.
6. A copy of this order be sent to the learned Arbitrator through electronic means.
7. The petition stands disposed of in the aforesaid terms.

REKHA PALLI, J

AUGUST 19, 2020

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