

Via video conferencing

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IN THE HIGH COURT OF DELHI AT NEW DELHI

O.M.P.(I) (COMM.) 229/2020

VIKARTAN INFRASTRUCTURE PRIVATE LIMITED

..... Petitioner

Through Mr.Bhupesh Narula, Adv.

versus

ECO GREEN BUILDTECH PRIVATE LIMITED Respondent

Through Mr.Sudeep Kumar Shrotriya with
Mr.Prakhar Singh, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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14.08.2020

IA 6884/2020 & IA 6885/2020

1. Allowed, subject to all just exceptions.
2. The applicant will file the requisite affidavits and Court fees within two weeks of the normal functioning of the Court being restored.

O.M.P.(I) (COMM.) 229/2020

3. This is petition under Section 9 of the Arbitration and Conciliation Act, 1996(the Act) seeking the following reliefs:-

- i) to appoint an independent person, preferably a Civil Engineer to verify the measurements qua the works executed by the petitioner and also the inventories of the material including T&P and machinery lying at the site in question and*
- ii) pass such other and further orders which this Hon'ble Court deems fit and proper be also passed in the facts and circumstances of the case.*

4. At the outset, learned counsel for the respondent, who appears on advance notice submits that the petitioner has already invoked arbitration vide its notice dated 13.07.2020 suggesting three names for appointment as the sole arbitrator. He further submits that the respondent is agreeable for appointment of Sh.M.C.Singhal BE (Civil) as the sole Arbitrator, one of the name suggested by the petitioner and, therefore, contends that the petitioner ought to seek this relief before the learned Arbitrator .

5. In view of the aforesaid stand taken by the respondent, learned counsel for the petitioner does not press the present petition, but seeks liberty to seek the same relief as sought in the present petition, by moving an appropriate application under Section 17 of the Act, before the learned Arbitrator.

6. The petition is accordingly disposed of with liberty as prayed for.

REKHA PALLI, J

AUGUST 14, 2020

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