

via video conferencing

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 378/2020**

M/S VARINDERA CONSTRUCTION LTD Petitioner

Through: Mr. Praveen Chauhan, Adv.

Versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Sanjeev Sabharwal, Sr. Panel
Counsel

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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15.09.2020

I.A. 8111/2020 (exemption)

1. Allowed, subject to all just exceptions.

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2. 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 contract no.DGMAP/PHASE-II/PKG-22/JODH/(A)/(R&C)/07 dated 03.11.2014

3. Learned counsel for the petitioner submits that upon disputes having arisen between the parties, the petitioner invoked arbitration vide its notice dated 18.03.2020 but has received no reply thereto from the respondents. He, therefore, prays that an independent arbitrator be appointed by this Court.

4. Issue notice. Mr. Sanjeev Sabharwal, Advocate accepts notice on behalf of the respondents and fairly submits that the respondents have no objection to the appointment of an independent arbitrator by this Court.
5. Accordingly, with the consent of the parties, the petition is disposed of by appointing Mr. Justice M.M Kumar, (98888-24752) former Chief Justice of Jammu and Kashmir High Court, as the sole Arbitrator for adjudication of the disputes and differences which have arisen between the parties in relation to the aforesaid contract.
6. Before commencing arbitration proceedings, the learned Arbitrator will ensure the compliance of Section 12 of the Act. The fees of the learned arbitrator shall be determined in accordance with Schedule-IV of the Act.
7. It is made clear that this Court has not considered the rival submissions of the parties on merits and it will therefore, be open for them to file their claims/counter claims and raise all pleas permissible in law before the learned Arbitrator.
8. A copy of this order be sent to the learned Arbitrator through electronic means.
9. The petition is disposed of in the aforesaid terms.

REKHA PALLI, J.

SEPTEMBER 15, 2020

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