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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ ARB.P. 636/2019
M/S AKASH ELECTRO TEK ENGINEERS PVT.LTD..... Petitioner
Through: Mr. Prem Chhetri, Adv.
versus
NORTHERN RAILWAY Respondent
Through: Mr. J.K. Singh, Standing Counsel
with Mr. Amit Kumar and Mr. Saurabh Sharma,
Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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18.02.2020

1. The present petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeks appointment of an Arbitrator to adjudicate the disputes and differences which have arisen between the parties in respect of civil work at sub-stations, quarters, service buildings, quarter buildings, platform at different sites provided by the respondent in accordance with the letter of acceptance dated 22.11.2014.
2. Learned counsel for the petitioners submits that upon disputes having arisen between the parties, the petitioner invoked the arbitration clause contained in the General Conditions of Contract which is applicable to the work in question but received no reply from the respondent. He, therefore, prays that an independent Arbitrator be appointed by this Court.
3. Upon notice being issued, a reply has been filed, wherein the respondent, while not disputing that there is an arbitration clause as also the fact that the disputes and differences have arisen between the

parties, has pleaded that the petitioner's failure to complete the work in accordance with the terms and conditions of the contract, has led to the dispute between the parties.

4. Having considered the submissions of the parties, I am of the view that the respondent's defence itself shows the existence of disputes and differences between the parties, which require to be adjudicated by arbitration.

5. The petition is accordingly allowed and Mr.Om Prakash, Advocate (Mob: 9810794902) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. It is made clear that this Court has not made any observations on the merits of the matter and it will be open for the parties to raise all pleas permissible in law, before the learned Arbitrator.

6. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre (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.

7. Before commencing arbitration proceedings, the Arbitrator will ensure compliance of Section 12 of the Arbitration and Conciliation Act, 1996.

8. A copy of this order be sent to the Delhi International Arbitration Centre (DIAC) as also to the learned Arbitrator.

REKHA PALLI, J.

FEBRUARY 18, 2020 'sdp'