

\$~24

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

+ ARB.P. 814/2019 & IA. 17122/2019

R K JAIN INFRA PROJECTS PRIVATE
LIMITED

..... Petitioner

Through: Mr. Vaibhav Jain and Mr. Shashank
Pandey, Advs.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA
& ANR.

..... Respondents

Through: Ms. Padma Priya and Mr. Dhruv
Nayar, Advs.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **09.01.2020**

IA. 17122/2019 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

ARB.P. 814/2019

This petition has been filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator to adjudicate the claims and disputes between the parties.

Notice, Ms. Padma Priya, Adv. accepts notice for the respondents and states, as per her instructions, respondents are in the process of appointing an Arbitrator. On this submission of the learned counsel for the respondents, Mr. Vaibhav Jain, learned counsel appearing for the petitioner submits that the petitioner had invoked the arbitration clause vide notice

dated October 15, 2019. According to him, despite such notice, the respondents have not appointed an Arbitrator within 30 days as prescribed in the Act and having not appointed the Arbitrator, respondents have forfeited their right to appoint one and therefore the prayers as prayed for in the petition be granted.

In view of the fact that respondents having forfeited their right to appoint an Arbitrator, this court is competent to appoint one and accordingly appoints Justice Mukul Mudgal, a retired Chief Justice of the Punjab and Haryana High Court as the Sole Arbitrator who shall adjudicate the disputes and differences between the parties. The appointment of Justice Mudgal shall be regulated by the Rules of DIAC.

A copy of this order be sent to Justice Mudgal for information.

Parties are within their right to raise all pleas both on facts and in law before the learned Arbitrator.

The petition stands disposed of.

V. KAMESWAR RAO, J

JANUARY 09, 2020/jg