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

% ***Date of decision: 24.08.2021***

+ **ARB.P. 477/2021**

M/S R.K. GOEL ABHEY KUMAR JAINPetitioner
Through: Mr. Avinash Trivedi, Advocate

Versus

JAMIA HAMDARD UNIVERSITYRespondent
Through: Ms. Riya Kalra, Advocate.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

The hearing has been conducted through video conferencing.

1. The present petition has been filed under the provisions of Section 11(6) of Arbitration and Conciliation Act, 1996 seeking appointment of Arbitrator to adjudicate the disputes with respondent herein.

2. Pertinently, the present petition pertains to disputes with regard to work order given by the respondent-University to petitioner, who is in the business of construction, for recarpeting, widening and development of footpath of existing campus road at Jamia Hamdard University through Letter of Intent No. JH/WO/RMC/2016/3 dated 16.06.2016, wherein terms of work are stated to have been incorporated. For the contractual work

ARB.P. 477/2021

amounting to Rs. 1,23,89,668.11 (One Crore Twenty-Three Lac Eighty-Nine Thousand Six Hundred Sixty Eighty and Eleven paise only), the date for commencement of work was fixed as 25.06.2016 and for conclusion by 22.09.2016.

3. According to petitioner, though the work order was concluded on time, yet respondent has failed to honour the bills raised by the petitioner despite repeated communications and therefore, petitioner invoked Clause-34 of the General Clauses Act vide its legal notice dated 23.01.2021 raising the claims and in the alternative seeking for appointment of Arbitrator. However, respondent vide letter dated 15.02.2021 denied the claims of petitioner and hence, the present petition has been filed.

4. Vide order dated 27.04.2021, the matter was referred to Delhi High Court Mediation and Conciliation Centre for exploring possibility of settlement. As per mediation report dated 07.08.2021, the matter could not be settled between the parties.

5. Today, learned counsel for the parties inform that the premise of this petition is based on two claims. One is for release of amount of Rs.1,60,930/- i.e. the security amount with interest and the second, calculation error in the claim amount so raised by the petitioner in the legal

notice dated 23.01.2021. It is jointly submitted by learned counsel for the parties that the first dispute stands amicably resolved, however, parties have not been able to reconcile on the second issue and for this purpose, an Arbitrator be appointed.

6. Accordingly, **Dr.T.R.Naval (Mobile: 9910384662), District & Sessions Judge (Retd.)** is appointed sole Arbitrator to adjudicate the dispute between the parties. The arbitration shall be conducted under the Delhi International Arbitration Centre (DIAC). The fee of the Arbitrator shall be in accordance with the schedule of fees prescribed under the Delhi International Arbitration Centre (DIAC) (Internal Management) Rules and Delhi International Arbitration Centre (Administrative Cost and Arbitrators' Fees) Rules, 2018.

7. The learned Arbitrator shall ensure compliance of Section 12 of Arbitration and Conciliation Act, 1996 before commencing the arbitration.

8. The present petition is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

AUGUST 24, 2021

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