

\$~30 & 31 (original)

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

+ **ARB.P. 914/2021**

SIMPLEX INFRASTRUCTURES LIMITED Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with
Mr. Aayush Agarwala, Mr. Debraj Sahu,
Mr.Parag Chaturvedi and Ms. riya Gulati,
Advs.

versus

**DIRECTOR GENERAL MARRIED ACCOMMODATION
PROJECT** Respondent

Through: Mr. Chetan Sharma, ASG with
Mr.Harish Vaidyanathan Shankar, CGSC
and Miss S Bushra Kazim, Adv.

+ **O.M.P.(I) (COMM.) 258/2021 & I.A.10164/2021,
I.A.12505/2021, I.A.12627/2021**

SIMPLEX INFRASTRUCTURES LTD Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with
Mr. Aayush Agarwala, Mr. Debraj Sahu,
Mr.Parag Chaturvedi and Ms. Riya Gulati,
Advs.

versus

**DIRECTOR GENERAL MARRIED ACCOMMODATION
PROJECT** Respondent

Through: Mr. Chetan Sharma, ASG with
Mr. Harish Vaidyanathan Shankar, CGSC
and Ms. S Bushra Kazim, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (O R A L)

%

25.10.2021

ARB.P. 914/2021

1. No affidavit has been filed in terms of the order dated 16th August, 2021, despite more than two months having elapsed since the said date.

2. At this stage, Mr. Chetan Sharma, learned Additional Solicitor General for the respondent submits that he has no objection to the disputes between the parties being referred for arbitration, as prayed by the petitioner in Arb.P. 914/2021, OMP (I) (Comm) 258/2021 being referred for decision to the learned Arbitrator treating as an application under Section 17 of the Arbitration and Conciliation Act, 1996 and the interim order dated 16th August, 2021 continuing to remain in force till the decision is taken by the Arbitrator on OMP (I) (Comm) 258/2021 and subject to any orders that the Arbitrator wishes to pass.

3. In view of this eminently fair submission, the necessity of setting out the disputes between the parties stand obviated.

4. Learned Counsel for both sides request that the matter may be referred to a Retired Judge of the Supreme Court, given the demand involved which is stated to be to the tune of ₹1.30 crores.

5. Accordingly, this Court refers the disputes between the parties for arbitration to Justice Deepak Gupta (an eminent Retired Judge of Supreme Court) who is requested to arbitrate on the disputes. Detail of the learned Arbitrator is as under:

Mobile No. : 9816533333

Email ID : justicedeepakgupta.arb@gmail.com

6. The learned Arbitrator would be entitled to charge fees in accordance with the Fourth Schedule to the 1996 Act or as otherwise fixed by the learned Arbitrator in consultation with the parties. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on the dispute.

O.M.P.(I) (COMM.) 258/2021

7. This petition is disposed of by referring the petition as an application under Section 17 for decision before the learned Arbitrator appointed by the order passed today. In order to avoid delay, the petitioner would not be required to file a fresh application under Section 17 and may present this petition before the learned Arbitrator who may treat the present petition as an application under Section 17 of the 1996 Act and proceed to decide the same in accordance with law.

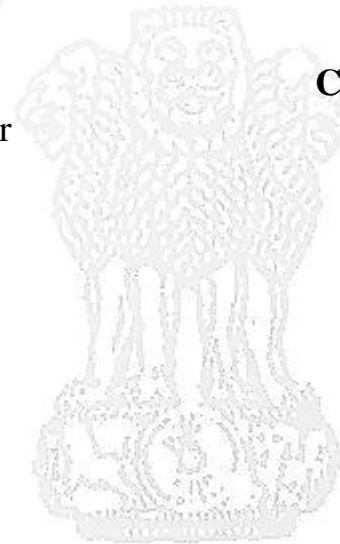
8. The order dated 16th August, 2021 shall continue to remain in operation pending further orders passed by the learned Arbitrator or

till the learned Arbitrator takes a decision on OMP (I) (Comm) 258/2021. Both petitions stand disposed of in the aforesaid terms.

9. Given the quantum of the claim involved, Mr. Chetan Sharma, learned ASG submits that the learned Arbitrator may be requested to decide the Section 17 application as expeditiously as possible. The request is noted.

OCTOBER 25, 2021/kr

C. HARI SHANKAR, J



सत्यमेव जयते