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

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Date of decision: 09.12.2021

+ ARB.P. 970/2021

**RG ICON, PLUMBING AND FIREFIGHTING
CONTRACTORS**

..... Petitioner

Through Mr. Sanjay Goswami, Adv.

versus

BPTP LTD.

..... Respondent

Through Mr. Nitish K. Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

1. The present petition has been filed under Sections 11 (5) & 11 (6) of the Arbitration and Conciliation Act, 1996 seeking appointment of sole Arbitrator to adjudicate the disputes with respondent.
2. As per the averments made by petitioner, petitioner is a partnership firm dealing in Firefighting and Plumbing contracts. Petitioner was awarded work contract by the respondent for plumbing sanitary fixtures and fitting for the project known as Park Elite Premium, Sector-84, Faridabad, Haryana vide Work Order No.BPTP /Parkland /PEP/S84/17/WO-69 dt 23.05.2017 for contract value of Rs.1,84,54,537/-. The work order was amended number

of times as to contract value and lastly by the letter of the respondent dated 20.08.2020 and its value was reduced from Rs.1,84,54,537/- finally to Rs.1,22,71,221/-. The work under the original Work Order was to be completed within a period of nine months. Petitioner with an intention to timely complete the work gathered its equipments and personnel etc. Respondent, however, on various counts delayed execution of work as a result of which, the staff, labour & equipments of petitioner were kept idle. Thereafter, disputes arose between the parties.

3. Petitioner sent a legal notice to respondent on 08.07.2021 for invoking arbitration in terms of the Arbitration clause of the Work Order dated 08.07.2021. However, respondent failed to respond to the notice. Therefore, the present petition has been filed.

4. Pursuant to order dated 09.11.2021, Mr. Nitish K. Sharma, appears before this Court and has not objected to the appointment of sole Arbitrator for adjudication of dispute between the parties.

5. In view of the above, the present petition is allowed. Accordingly, **Mr. Sukumar Pattjoshi, Senior Advocate (Mobile: 9810021791)** is appointed sole Arbitrator in this petition to adjudicate the dispute between the parties.

6. 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 (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 stands disposed of accordingly.
9. A copy of this order be sent to the learned Arbitrator for information.

DECEMBER 09, 2021

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(SURESH KUMAR KAIT)
JUDGE