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

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Date of decision: 13.12.2021

+ ARB.P. 1129/2021

SARVESH SECURITY SERVICES PVT LTD Petitioner

Through Ms. Senha Singh and Ms. Deepika
Singh, Advs.

versus

GURU GOVIND SINGH GOVT HOSPITAL Respondent

Through Nemo.

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 Section 11 (6) (c) of the Arbitration and Conciliation Act, 1996 seeking appointment of Arbitrator to adjudicate the disputes with respondent.
2. On the last date of hearing, i.e. 26.11.2021, Mr. Zahid, Advocate had appeared on behalf of respondent, accepted notice and sought time to take instructions and assist the Court.
3. Today, even on second call, none has appeared on behalf of respondent. Thus, it seems that respondent has nothing to oppose the present petition.

4. Petitioner claims to be a private Ltd. Company incorporated under the Indian Companies Act, 1956. Petitioner Company provides security services to Government and private organisations. Respondent is a hospital.

5. As per the averments made in the present petition, vide tender No.2015_GCSGH_74369_1 dated 02.01.2015, respondent invited tenders for providing security services to respondent hospital. Thereafter, vide letter dated 10.04.2015, respondent offered contract for deployment of security guards in premises of petitioner on the terms and conditions mentioned in the aforesaid tender. Being successful bidder, respondent awarded the contract to petitioner vide letter dated 24.04.2015 to deploy the security guards w.e.f. 01.05.2015.

6. At the hearing, learned counsel for petitioner has submitted that despite repeated requests, respondent has failed to release a sum of Rs.62,68,890/- (approximately) to petitioner for the security services rendered to respondent from May, 2015 till July, 2019. Thereafter, disputes arose between the parties.

7. It is further submitted that vide letter dated 15.06.2021, petitioner requested respondent to participate in arbitration in terms of Clause 22 of the

tender, however, respondent has failed to clear dues or to invoke arbitration. Hence, the present petition has been filed.

8. During the course of hearing, learned counsel for petitioner has prayed that sole Arbitrator may be appointed through DIAC to adjudicate the dispute between the parties.

9. In view of the above, the present petition is allowed. Accordingly, **Mr. D.C.Anand, DHJS (Retd) (Mobile: 9910385644)** is appointed sole Arbitrator in this petition to adjudicate the dispute between the parties.

10. 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.

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

12. The present petition stands disposed of accordingly.

13. A copy of this order be sent to the learned Arbitrator for information.

(SURESH KUMAR KAIT)
JUDGE

DECEMBER 13, 2021/rk

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