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

% ***Date of decision: 09.02.2022***

+ ARB.P. 907/2021

M/S ASHA ENTERPRISES PVT. LTD THROUGH: SHRI LOVE
SHARMA, DIRECTOR Petitioner

Through: Mr.Sanjay Bansal, Advocate

Versus

GOVT. OF NCT OF DELHI Respondent

Through: Mr. Shlok Chandra, Advocate

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

JUDGMENT (oral)

1. The present petition has been filed by the petitioner under Section 11 (6) of the Arbitration and Conciliation Act, 1996 seeking appointment of Arbitrator for adjudication of disputes with respondent.
2. Petitioner/company claims to have entered into an Agreement with the respondent for construction of additional class rooms in SKV No.2, Sagarpur SPS School Building and other related works. According to the Agreement, the work was to commence on 19.02.2016 and completed on 03.07.2016. However, the work could be completed on 14.12.2017.
3. According to petitioner, the delay in execution of work is attributable

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to the respondent as drawings were not provided in time, there were delays in making decisions at the end of respondent and also there was delay in releasing the payments. Thereby, several disputes arose between the parties, for resolution of which petitioner claims to have written letters dated 24.07.2020 and 19.08.2020 to the respondent, in response to which vide letter dated 22.08.2020, respondent denied all the claims. Further again, petitioner claims to have written various letters to the Chief Engineer of respondent, who vide letter dated 05.08.2021 rejected the request of petitioner for appointment of Arbitrator. Hence, the present petition has been filed.

4. During the course of hearing, learned counsel for petitioner has submitted that the disputes between the parties have to be resolved by arbitration in terms of Clause 25 of the Agreement and therefore, this Court may appoint an arbitrator for adjudication of disputes with respondent.

5. Learned counsel for respondent has entered appearance on advance notice and he submits that though the claims raised in the present petition are disputed, however, since disputes are arbitrable, this Court may appoint an independent arbitrator.

6. Accordingly, the present petition is allowed and Sujan Lal Meena



(EX. ADG PWD) (Mobile: 987421661) is appointed the sole Arbitrator to adjudicate the dispute between the parties.

7. 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) (Administrative Cost and Arbitrators Fees) Rules, 2018.

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

9. The present petition and pending application, if any, are accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

FEBRUARY 09, 2022

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