



\$~4

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

% ***Date of decision: 12.01.2022***

+ ARB.P. 1093/2021

M/S AEE ENGINEERS AND CONTACTORS
& ANR.

.... Petitioners

Through Mr. Mukesh Goyal, Adv.

versus

IGNOU THROUGH ITS VICE CHANCELLOR Respondent
Through None

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) of the Arbitration and Conciliation Act, 1996 seeking appointment of sole Arbitrator to adjudicate the disputes *inter se* the parties.
2. Petitioner No.1 is the proprietorship firm of petitioner No.2 and is engaged in the business of supply and maintenance of electrical jobs etc.
3. As per the averments made in the present petition, respondent awarded the work of operation of 5 Electric Sub-Station Equipment installed in ESS-1 2, 4,5 & 10 at IGNOU Campus, Maidan Garhi, New Delhi vide letter for commencement No.IG/ CMD/ EE/ 2015-16/ 1552 dated

ARB.P. 1093/2021

Page 1 of 3



18.11.2015 after conveying acceptance of his quotation vide letter No.IG/CMD/EE(E)/2015-16/1549 dated 17.11.2015. Subsequently, Agreement No.IG/CMD/EE(E)/WO/2015-16 dated 19.11.2015 was executed between the parties. Contract was further extended several times, However, when petitioners raised the bills from time to time for the work executed by it, the respondent failed to make payment. The payments towards bills dated 23.04.2018 and 21.06.2018 are still due. ESI and PF reimbursement towards bills dated 01.11.2017, 23.04.2018 and 21.06.2018 amounting to Rs. 63 Lakhs are also due. Petitioners requested for the release of amount of their bills to respondent several times through various communications including Letter dated 21.06.2018, e-mails dated 04.08.2018 as well as by letter dated 06.01.2020 to EE (E) and other Officers to release due payments but respondents failed to make the said payments. Thereafter, disputes arose between the parties.

4. Learned counsel for petitioners submits that petitioners served a notice dated 09.04.2021 upon respondent invoking Arbitration in terms of Clause 10 of the Agreement, however, respondent failed to do so. Hence, the present petition has been filed.

5. On 02.12.2021, notice was issued to respondent and as per office



report, respondent is served, however, none has appeared on its behalf. It seems that respondent has nothing to oppose in the present petition.

6. In view of above, the present petition is allowed. Accordingly, Mr. P.C. Ranga, DHJS (Retd.) (Mobile:9868905228) is appointed sole Arbitrator to adjudicate the dispute between the parties.

7. The fee of the learned Arbitrator shall be governed by the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

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

9. The present petition stands disposed of accordingly.

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

(SURESH KUMAR KAIT)
JUDGE

JANUARY 12, 2022/rk