

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

% **Date of order : 12th April, 2023**

+ **ARB.P. 202/2023**

M/S SPACE 4 BUSINESS SOLUTION PVT Petitioner

Through: Mr. Durgesh Gupta, Advocate

versus

DISTRICT ELECTION OFFICER NOTH WEST & ANR.

..... Respondents

**Through: Mr. Sameer Vashisht, ASC (Civil)
for GNCTD**

**Mr. Rajeev Aggarwal, ASC with
Ms. Shilpa Singh, Advocate**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

CHANDRA DHARI SINGH, J (Oral)

1. The instant petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 has been filed on behalf of petitioner seeking the following reliefs:-

"a. Appoint a sole arbitrator to adjudicate and resolve the disputes that have been arisen between the parties hereto in relation to matters covered by the aforesaid Tender.

b. Any other relief which this Hon'ble Court may deem fit and proper may kindly be granted in favour of the Petitioner.

c. Cost of proceedings may kindly be awarded in favour of the Petitioner and against the respondents."

2. Learned counsel for the petitioner submitted that the petitioner is a

ARB.P. 201/2023

Page 1 of 5

company registered under the provisions of the Companies Act, 1956 having its registered office at 3588, Main Bazar, Old Subzi Mandi, Delhi-110007 inter-alia engaged in the business of organizing events, providing various kinds of services, all kinds of printing, and providing of printing materials, the printing of banners, flex, etc.

3. Learned counsel for the petitioner submitted that the relevant facts that led to this present petition are that, in 2019 respondent No. 1 floated a Tender ID 2019_REV_168705 with Tender No. F.6(290) SDM(EL)DEO(NE)Video-graph/2019 for hiring of videography/photography/ web-casting, etc. services which were to be deployed for conducting Lok Sabha Elections 2019 in the District South, New Delhi and, *vide* Order No. F.DEO/MW/SDM/(E)/2018/3077-3084 dated 6th April 2019 the work was awarded to the petitioner.

4. It is submitted that the petitioner *vide* consent dated 31st December 2019 communicated its willingness to provide its services for Delhi Assembly Election, 2020.

5. It is submitted that after completion of work, various invoices were raised by the petitioner to respondent No. 1 pertaining to INR 66,41,478 besides the EMD amount of INR 2,00,000 and performance security of INR 4,00,000 for the services provided which were duly received by the respondents and, further submitted that it is pending with the respondents.

6. Learned counsel for the petitioner submitted that on the alleged defaults of respondent No. 1 to make the payments, the petitioner *vide* Legal Notice dated 20th January 2023 served and invoked Section 21 of

the Arbitration and Conciliation Act, 1996, and conveyed the same to respondent No. 1 *vide* speed post and email for referring the matter to Arbitration.

7. Learned counsel for the petitioner submitted that clause 11(4) of the Agreement stipulates that the parties may refer their disputes to Arbitration.

8. During the course of arguments, learned counsel for the respondents agreed with the prayer of the petitioner and consented to the appointment of a Sole Arbitrator for adjudicating the aforementioned dispute.

9. On bare perusal of the facts of the case, it is observed by this Court that the dispute is arbitrable in nature and should be referred to Arbitration by appointing a Sole Arbitrator. In view of the request made by the petitioner, the said disputes and differences arising between the parties *vide* Order No. F.DEO/MW/SDM/(E)/2018/3077-3084 dated 6th April 2019 are referred to Arbitration, by appointing an Arbitral Tribunal. Hence, the following Order:

ORDER

- I. Justice Pritam Pal, Former Judge, High Court of Punjab and Haryana, is appointed as a Learned Sole Arbitrator to adjudicate the disputes between the parties which have arisen under Order No. F.DEO/MW/SDM/(E)/2018/3077-3084 dated 6th April

2019.

- II. The Learned Sole Arbitrator, before entering the Arbitration reference, shall ensure compliance of Section 12(1) of the Arbitration and Conciliation Act, 1996;
- III. The Learned Sole Arbitrator shall be paid fees as prescribed under the Delhi International Arbitration Centre (Administrative Cost and Arbitrators Fees) Rules, 2018 as amended *vide* notification dated 15th November 2022;
- IV. At the first instance, the parties shall appear before the Learned Sole Arbitrator within 10 days from today on a date which may be fixed by the Learned Sole Arbitrator;
- V. All contentions of the parties are expressly kept open;
- VI. A copy of the order be forwarded to the learned sole arbitrator at the following address:

Justice (Retd.) Pritam Pal

Former Judge, High Court of Punjab and Haryana

58, Todarmal Road, Bengali Market,

New Delhi – 110001

Phone no. 09463122333

Email id: justicepritampal@gmail.com

10. The petition is disposed of in the aforesaid terms along with pending application, if any.

11. The order be uploaded on the website forthwith.

CHANDRA DHARI SINGH, J

APRIL 12, 2023

Dy/as

Click here to check corrigendum, if any

