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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 36/2024

**M/S SOPHISTICATED INDUSTRIAL MATERIALS ANALYTIC
LABS P LIMITED** Petitioner

Through: Mr. Prithvi Raj Sikka, Adv. (M-
9811054562), Mr. Shahi Verma

versus

**M/S STRUQTA ECO ENGINEERING AND CONSULTANT P
LIMITED** Respondent

Through: None

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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26.02.2024

1. This hearing has been done through hybrid mode.
2. The petition is filed by the Petitioner - M/S Sophisticated Industrial Materials Analytic Labs P Limited, under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (hereinafter, '*the Act*'). The contract in the present matter is in respect of Design, Supply, Installation; Testing and Commissioning of STP 250 KLD & LTP SO KLD at Super Specialty Hospital at Jagdalpur (CPWD). The present petition arises out of the Memorandum of Undertaking ('MoU') dated 21st January, 2021 executed between the parties which consists of a Dispute Resolution Clause. In terms of the Dispute Resolution Clause, the Petitioner had already issued two notices to the Respondent - M/S Struqta Eco Engineering and Consultant P Limited, seeking to explore conciliation which are stated to not have been responded to by the Respondent. Accordingly, the present petition has been filed seeking appointment of a Sole Arbitrator.
3. Vide order dated 11th January, 2024 the Registry was directed to



issue notice to the Respondent.

4. From the report of the Registry, it appears that the emails which are being sent are not being delivered. Secondly, the WhatsApp message is also not showing the read receipts.

5. Ld. Counsel for the Petitioner submits that the Petitioner's Authorized Representative - Mr. Shashi Verma received a telephone call from Mr. Rahul Shukla, one of the Directors of the Respondent Company.

6. Mr. Shashi Verma has joined virtually and submits that Mr. Rahul Shukla has denied any liability on behalf of Respondent Company. The mobile number of Mr. Shukla is 9810233611. The calls are stated to have been received by the Mr. Shashi Verma on his mobile number -9811083813 on 23rd February, 2024. Further, it is submitted by Mr. Shashi Verma, that Mr. Shukla had also reached out to the vice-president of the Petitioner company on 22nd January, 2024 after the issuance of notice from Court.

7. Accordingly, the Respondent is taken to be served and is avoiding appearance before the Court. In this view of the matter, the Court proceeds to appoint the Sole Arbitrator for adjudicating the disputes between the parties. Accordingly, **Justice B.A. Khan (Retd) (M:9818000150)** is appointed as the Sole Arbitrator in this matter. The arbitration shall be conducted under the aegis of the DIAC.

8. The fee of the Arbitrator shall be as per the Fourth Schedule of the Act as amended by the DIAC Rules.

9. List before the Delhi International Arbitration Centre (DIAC) on 21st March, 2024.

10. Let a copy of the present order be emailed to Secretary, DIAC on email id - delhiarbitrationcentre@gmail.com.



11. Petition is disposed of. All pending applications are also disposed of.

PRATHIBA M. SINGH, J

FEBRUARY 26, 2024/*Rahul/bh*