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

+ **ARB.P. 65/2024, I.A. 1165/2024**

M/S BANSAL CONSTRUCTION CO.

..... Petitioner

Through: **Mr. S.W. Haider and Ms. Pooja Dua,**
Advocates.

versus

UNION OF INDIA

..... Respondent

Through: **Ms. Uma Prasuna Bachu Sr. Panel**
Counsel along with **Ms. Samiksha**
G.P and Mr. Vidya Sagar Gupta
SSE/CPW.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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18.01.2024

1. Fresh petition under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed on behalf of the petitioner.
2. Learned counsel for the respondent has appeared on advance Notice and accepts Notice of the petition.
3. It is submitted on behalf of the respondent that the Department has objection the appointment of the Arbitrator on the ground that in terms of the Agreement, the petitioner has failed to claim appointment of Arbitrator within the prescribed time limit of 90 days under Clause 64 of GCC, 1999 and therefore, their demand for referring the matter to Arbitrator cannot be accepted.
4. **Submissions heard.**
5. Admittedly, there is an Arbitration Clause in the Agreement dated



23.05.2014 entered into between the parties. Any challenge on merits or in regard to invocation of arbitration may be taken by either party before the learned Arbitrator without prejudice to their rights and contentions.

6. Considering that there is a valid Arbitration Agreement between the parties and in the light of the facts and discussions, Mr. Vinay Kumar Gupta, District & Sessions Judge (Retd.), Mobile No.9910384701, is hereby appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

7. The parties are at liberty to raise their respective objections before the Arbitrator.

8. This is subject to the Arbitrator making necessary disclosure as under Section 12(1) of A&C Act, 1996 and not being ineligible under Section 12(5) of the A&C Act, 1996.

9. The fees of the learned Arbitrator would be fixed in accordance with the Fourth Schedule to A&C Act, 1996 or as consented by the parties.

10. Learned counsels for the parties are directed to contact the learned Arbitrator within one week of being communicated a copy of this Order to them by the Registry.

11. A copy of this Order be also forwarded to the learned Arbitrator, for information.

12. The petition is accordingly disposed of in the above terms.

NEENA BANSAL KRISHNA, J

JANUARY 18, 2024/va