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

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ARB.P. 999/2023

**DIVYASHAKTI ASSOCIATES PRIVATE LIMITED ..... Petitioner**

Through: Mr. Karan Sachdeva, Ms. Richa Sharma, Ms. Aastha Arora and Mr. Sanjay Sharma, Advocates.

versus

**KESHAV LAL DUA & ANR.**

..... Respondents

Through: Mr. Manish Gandhi, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

**25.01.2024**

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By way of the present petition under section 11 of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks appointment of a Sole Arbitrator to adjudicate upon the disputes that are stated to have arisen with the respondents from Construction Agreement dated 23.02.2021.

2. Notice on this petition was issued on 25.09.2023, and a reply has been filed on behalf of the respondents.
3. Mr. Karan Sachdeva, learned counsel appearing for the petitioner has drawn the attention of this court to the arbitration agreement comprised in clause 21 of Construction Agreement dated 23.02.2021; and contemplates reference of disputes between the parties to arbitration in accordance with the A&C Act.
4. As per the record, the petitioner invoked arbitration *vide* Notice dated 05.08.2022; and the respondents sent a response to the said notice *vide* reply dated 22.10.2022.



5. Though the mediation report is not on record, learned counsel for the parties inform the court that mediation proceedings have ended as 'Not-Settled'.
6. After making brief submissions in the matter, learned counsel for the respondents submits, that they are willing to be referred to arbitration by a Sole Arbitrator under the aegis of the Delhi International Arbitration Centre, New Delhi ('DIAC'), with liberty to file a counter claim, if so advised, in accordance with law.
7. In view of the above, learned counsel for the parties jointly request that this court may appoint an arbitrator; and then refer the matter for arbitration under the aegis of the DIAC, keeping all their respective factual and legal contentions open.
8. Accordingly, the present petition is allowed and **Mr. Kotla Harshavardhan, Advocate (Cellphone No.: +91 9958400199)** is appointed as the learned Sole Arbitrator to adjudicate upon the disputes between the parties; with arbitration proceedings to be conducted under the aegis of the DIAC, in accordance with applicable rules.
9. The learned Sole Arbitrator would furnish to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
10. The learned Arbitrator shall then proceed with the arbitral proceedings in accordance with the rules and regulations of DIAC and subject to arbitrator's fee and arbitration costs, as may be applicable.



11. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Sole Arbitrator on merits, in accordance with law.
12. A copy of this order be communicated *forthwith* to the Co-ordinator, DIAC, for information and compliance.
13. A copy of this order be sent by e-mail to the learned Sole Arbitrator, as also to learned counsel for the parties.
14. The petition stands disposed-of in the above terms.
15. Pending applications, if any, also stand disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**JANUARY 25, 2024/ak**