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

+ **ARB.P. 145/2024**

PTECH INFRA ENGINEERING

..... Petitioner

Through: Mr.Bipin Kr. Prabhat, Mr. Bhola
Dayal, Advs.

versus

LITE BITE FOODS PVT LTD AND ORS & ANR..... Respondent

Through: Mr. Pankaj Chechi, Adv. (VC)

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

26.02.2024

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1. The present petition has been filed under Section 11 of the arbitration and Conciliation Act, 1996 seeking appointment of Arbitrator for adjudication of disputes inter se the parties. The respondent awarded the contract and issued Work Order No. PG Phoenix, Palladium, Ahmedabad dated 01.12.2022 for completing the work for Civil interior, MEP & HVAC work for PG Phoenix at Palladium, Ahmedabad, Gujarat to the petitioner at the contract value of Rs.1,50,26,315/- vide its letter of award dated 01.12.2022. Clause -29 of the work order contains the arbitration clause with the jurisdiction at Delhi. The petitioner states that the respondent had not released the payment of the work done by the petitioner. The arbitration has duly been invoked vide notice dated 24.11.2022. The claim amount is stated to be around 1,50,00,000/-.
2. Learned counsel for the respondent submits that without prejudice to



the contentions to be taken by the respondent during the arbitral proceedings including non-service of notice under Section 21 of the Act, the matter may be referred to the Sole Arbitrator.

3. Considering that both the parties have consented to the reference to the arbitral tribunal, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
- ii) Mr. Siddharth Sharma, Advocate, Mobile No.7400111111 is appointed as Sole arbitrator to adjudicate the disputes between the parties.
- iii) The remuneration of the learned Arbitrator shall be as per Schedule IV of the Arbitration and Conciliation Act, 1996.
- iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
- vi) The parties shall approach the learned arbitrator within two weeks from today.



4. The petition is disposed of in the above terms

DINESH KUMAR SHARMA, J

FEBRUARY 26, 2024

Pallavi