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

+ **ARB.P. 172/2024 & I.A. 2918/2024**

M/S SUNRISE ENTERPRISES

..... Petitioner

Through: Ms. Harsh Chachra, Adv. (M.
9910454141)

versus

IRRIGATION AND FLOOD CONTROL

DEPARTMENT GOVT. OF NCT OF DELHI, Respondent

Through: Ms. Mehak Nakra, ASC (Civil)
GNCTD (M. 9871144582)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **07.02.2024**

1. This hearing has been done through hybrid mode.
2. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 filed by the Petitioner - M/S Sunrise Enterprises seeking appointment of sole Arbitrator for adjudication of disputes. The Petitioner is engaged in the business of civil work. It is a proprietary concern of Sh. Naresh Kumar.
3. The Petitioner was awarded a contract by the Irrigation and Flood Control Department of GNCTD for construction of two (02) Badminton Court in various parks in Moti Nagar Assembly Constituency AC-25. The stipulated date of start was 9th October, 2019 and stipulated completion date was 8th December, 2019.
4. The case of the Petitioner is that the completion certificate has been issued recording that the stipulated date of completion was 8th December, 2019 and the actual date of completion was 5th March, 2021. Ld. Counsel



for the Petitioner relies upon the completion certificate which has been signed by the Executive Engineer, Assistant Engineer as also by Junior Engineer. The Petitioner has written letters seeking admitted payment. However, the payment has not been received of the third and final bill.

5. The agreement was thereafter executed and the performance guarantee was also submitted. As per the agreement, the General Conditions of Contract (GCC) would be applicable. Vide letter dated 28th August, 2023, the arbitration clause contained in the GCC has also been invoked. However, there has been no appointment of an Arbitrator and no replies has been provided by the Respondents.

6. Accordingly, ***Justice (Retd.) Sunil Gaur (Mob. No.9971000718)*** is appointed as the Id. Arbitrator. The arbitration proceedings shall be under the aegis and Rules of DIAC.

7. The fee of the Id. Arbitrator shall be as per the fourth schedule as modified by the DIAC Rules.

8. List before the DIAC on 11th March, 2024.

9. It is made clear that the official of GNCTD who is competent to take decisions shall participate in the proceedings who is familiar with the Court.

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

11. Accordingly, the present petition is disposed of. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

FEBRUARY 07, 2024

Rahul/bh