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

+ **ARB.P. 206/2024**

M/S RAVINDRA BROTHERS

..... Petitioner

Through: Ms. Seema Singh, Mr. Dayanand
Sharan and Ms. Kaplna Singh,
Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Richa Dhawan, SPC and Mr.
Anuj Chaturvedi, Adv.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

15.05.2024

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1. A Petition under Section 11(6) of the Arbitration & Conciliation Act (*hereinafter referred to as "Act, 1996"*) has been filed for appointment of the Arbitrator.
2. It is asserted that the petitioner, herein is a contractor who was engaged by the respondent on Several occasions for carrying out various constructions and other activities.
3. The Respondent No.4 is the accepting authority of the contract work awarded to the Petitioner -firm under the Contract' Agreement No., CA No. CWE (U) D-06/2016-17. The Petitioner firm herein was also sent the acceptance letter with respect to the above mentioned contract agreement vide Letter dated 30.07.2016.
4. Disputes arose between the parties and the petitioner sent a Notice invoking Arbitration under Clause 70 of the Agreement which provides



for the reference of all disputes to Arbitration.

5. It is asserted that if the serving officer of the Respondent/MES Department is appointment, the same would be ineligible to act as an Arbitrator as an employee of the respondent would attract the justifiable doubt as to its impartiality under Section 12 of the Act, 1996. Further, the learned Arbitrator appointed by the respondent has resigned as he is unable to decide the claims.

6. It is therefore, submitted that a learned Sole Arbitrator be appointed for settlement of disputes.

7. Learned counsel for the respondent submits that he has no objection to the appointment of the Arbitrator and submits that a Senior may be appointed as it is a sensitive matter involving the Defence of the Country.

8. **Submissions heard.**

9. In view of the submissions made as well as Clause No. 70 of the Agreement which provides for arbitration and the petitioner has raised the arbitrable disputes and without prejudice to the rights and contentions of the parties, the present petition is allowed. Mr. Amarnath, Distt. & Sessions Judge (Retd.), (M) 9958697030, is hereby appointed as the Arbitrator to adjudicate the disputes between the parties.

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

11. The fees of the learned Arbitrator would be fixed in accordance with the Fourth Schedule of the Act, 1996 or as consented by the parties. 14. This is subject to the Arbitrator making necessary disclosure as under Section 12(1) of the Act, 1996 and not being ineligible under Section 12(5) of the Act, 1996.



12. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre, Delhi High Court.

13. The parties are directed to contact the Arbitrator within one week of being communicated a copy of this Order to them by the Registry of this Court.

14. Accordingly, the present petition is disposed of in the above terms.

NEENA BANSAL KRISHNA, J

MAY 15, 2024/PT