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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 292/2024

M/S RAJIV AGGARWAL

..... Petitioner

Through: Mr. Anshul Mittal, Ms. Vaishali Mittal Dawar, Ms. Aanchal Mittal, Mr. Sarthak Tagra & Ms. Kadambini Sharma, Advs. (M: 9899220567)

versus

DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION LTD.

..... Respondent

Through: Ms Anisha Upadhyay & Mr. Vaibhav Kalra, Advs. (M- 8800625111)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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05.04.2024

1. This hearing has been done through hybrid mode.
2. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 in respect of a construction contract which was awarded to the Petitioner for Construction of a World Class Skill development Centre at Ambedkar Institute of Technology and at Bhai Parmanand Institute of Business Studies, Shakarpur (Ext.), Delhi 110092.
3. It is stated that the Respondent Department has defaulted in the payment of dues in compliance of the contract and despite the Final Bill being processed on 8th July, 2022 the admitted amount was not paid nor any status was provided by the Respondent regarding other claims.
4. The Petitioner is stated to have sent several legal notices dated 11th July, 2023, 27th July, 2023 and 10th August, 2023 including for invoking the Arbitration clause. However, the Respondent has not replied to the same. Thus, the present petition has been filed.



5. On the last date of hearing, notice was issued to the Respondent. Ms. Upadhyay, Id. Counsel accepts notice on behalf of the DTTDC and submits that the Petitioner has not followed the procedure prescribed in terms of clause 25 of the GCC. On the other hand, Id. Counsel for the Petitioner, has taken the Court through various letters, which have been written by the Petitioner including letter dated 13th June, 2023 to the Executive Engineer (MB), and thereafter, dated 11th July, 2023, to the CPM. On, 20th July, 2023, a letter was sent to the Managing Director of DTTDC and again a reminder letter dated 10th August, 2023 was sent. This, according to him, is in terms of clause 25 read with Schedule F of the GCC.

6. These letters have not received any reply on behalf of the DTTDC. According to Id. Counsel for the Respondent, the final bill has been approved. However, the payment is yet to be made. Claim raised in the present petition relates to damages and other compensation. In view thereof, the disputes are referred to the arbitration. Accordingly, **Justice G.S. Sistani (Retd.) (M:9871300034)** is appointed as the Sole Arbitrator in the matter. The fee of the Id. Arbitrator shall be paid in terms of the 4th Schedule of the Act.

7. List before the Sole Arbitrator on 14th May, 2024.

8. Let a copy of the present order be emailed to the Id. Sole arbitrator sistanilaw@gmail.com.

9. Petition is disposed of in the above terms. Copy of this order be transmitted to the Id. Arbitrator.

PRATHIBA M. SINGH, J.

APRIL 5, 2024/dk/ks