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

+ **ARB.P. 334/2024**

**BRILLTECH ENGINEERS PRIVATE
LIMITED**

..... Petitioner

Through: Ms.Sagarika Kaul, adv.

versus

**MAHARISHI DAYANAND CO-OPERATIVE GROUP HOUSING
SOCIETY LIMITED**

..... Respondent

Through:

**CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

ORDER

09.04.2024

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I.A. 5423/2024 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

ARB.P. 334/2024

By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes *inter se* the parties.

The parties have entered into an agreement dated 20.08.2022 for the for Supply, Installation, Testing and Commissioning of 11 KV/0.415 KV Electric Substation including Ancillary Work for its housing project at B - 4,



Vasant Kunj, New Delhi - 110070. The tender and clause 33 of the tender in contract document contains the arbitration clause.

The petitioner has claimed that this court has territorial jurisdiction as the works at Delhi.

Learned counsel for the respondent submits that though he has filed a reply but the same is not on record on account of delay of two days in filing the same. The delay is condoned.

Let the reply be brought on record.

Learned counsel for the respondent submits that he has no objection if the matter is referred to arbitral tribunal without prejudice to the rights and contentions of the respondent and keeping all the contentions open.

Learned counsel for the respondent has also submitted that it may also be brought on record that the respondent *vide* order dated 27.02.2024 in O.M.P. (COMM) NO. 131/2023) has deposited a sum of Rs. 25,35,758/- in the form of FDR.

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) Sh. Siddhartha Sharma, Advocate (Mob. 7400111111) is appointed as a sole arbitrator to adjudicate the disputes between parties with respect to agreement.
- iii) The place of arbitration shall be in Delhi or any other place as Arbitrator may decide, in accordance with the provisions of the



Arbitration and conciliation Act, 1996 and any statutory amendments thereof.

iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference. The fees of the Arbitrator shall be in accordance with the IVth Schedule of the Arbitration and Conciliation Act or as the parties may agree.

v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claims, 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.

In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 9, 2024/K/ht..