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

+ **ARB.P. 504/2024**

JOGINDER SINGH TYAGI PROP. M/S PARMAR ELECTRICAL

.....Petitioner

Through: Mr. Abhishek Semwal, Mr. Amit Dubey, Mr. Aniket Vashishth, Ms. Aradhya Sharma and Mr./Ms. Anshi Mudgal, Advocates alongwith Joginder Singh Tyagi.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Avtaar Singh Deol, SPC for UOI. Ms. Ekta Choudhary, G. P. alongwith Mr. Divyam Dutt and Ms. Aditi Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

16.07.2024

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1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of the Sole Arbitrator to adjudicate the disputes between the parties.
2. The petitioner was awarded contract on 02.07.2020. On 27.08.2020, the respondent no.1 issued a letter for termination of contract under Clause 5 of the GCC on account of non-compliances.
3. In terms of the arbitration clause, the petitioner approached to the



respondent no.1 on 01.10.2020 and since the disputes were not addressed, the petitioner on 27.11.2020 approached the Superintending Engineer, CPWD, Delhi Circle-06.

4. Thereafter, on 06.01.2021 the petitioner approached the next higher authority i.e. ADG under Clause 25(i) of GCC. As the disputes were not settled, the petitioner invoked the arbitration under clause 25(ii) of GCC for appointment of the Sole Arbitrator. The ADG on 17.03.2023 insisted the petitioner to take recourse of DRC and the petitioner on 12.04.2023 submitted its claim to DRC.

5. On 21.08.2023, DRC rejected all claims of the petitioner. The petitioner thereafter invoked arbitration vide legal notice dated 17.11.2023. Hence, the present petition.

6. Mr. Singh, learned counsel appears for the respondent and has not filed any reply. There is no opposition to the petition being allowed.

7. Since in ARB P. 505/2024 (Item no. 5), a similar dispute was there between the same parties and Mr. Kamlesh Kumar who is on the panel of CPWD has been appointed as a Sole Arbitrator, in this view of the matter and in order to avoid conflicting judgements, this matter is also referred to Mr. Kamlesh Kumar.

8. The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.

9. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Arbitration and Conciliation Act, 1996 prior to entering



into the reference.

10. 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/counter-claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

11. The parties shall approach the learned Arbitrator within two weeks from today.

12. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

JULY 16, 2024

SSC

[Click here to check corrigendum, if any](#)