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

+ **ARB.P. 533/2024**

NITYA NAND AND SONS CONTRACTORS PVT LTD

..... Petitioner

Through: Dr. Swaroop George, Adv.

versus

UNION OF INDIA REPRESENTED BY THE CHIEF ENGINEER

..... Respondent

Through: Mr. Ravi Kant Srivastava, Mr.
Mukesh Kumar Tiwari, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

29.04.2024

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I.A. 9390/2024

Exemption is granted subject to all just exceptions.

The petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.

The application is disposed of.

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1. This is a petition seeking appointment of an arbitrator.
2. The petitioner was awarded the tender *vide* letter dated 09.02.2013.
3. The arbitration clause is Clause 70 of IAFW-2249 of the General Conditions of Contract.
4. The petitioner invoked arbitration clause *vide* legal notices dated 22.06.2022 and 30.12.2022.



5. In the petition, the petitioner seeks the following prayers:

“i. Direct the Respondent to provide a panel of five names of serving employees as specified in the amended arbitration agreement from which the Petitioner may pick one to act as the arbitrator; or in the alternative

ii. Appoint an independent Arbitrator under Section 11(6) read with Section 11 (8) (b) of the Arbitration and Conciliation Act, 1996 for the adjudication of the disputes mentioned hereinabove;

....”

6. Mr. Tiwari, learned counsel for respondent who appears on advance notice, has handed over a letter dated 07.02.2022, wherein a list of arbitrators has been provided to the learned counsel for the petitioner.

7. Dr. George, learned counsel for the petitioner states that an arbitrator shall be picked from these list of arbitrators and the arbitrator so picked by the petitioner will enter reference within 4 weeks thereafter.

8. All the parties will be entitled to raise all claims, counter-claims and other legal issues as available in law before the learned arbitrator.

9. With these directions, the petition is disposed of.

10. The letter dated 07.02.2022 is taken on record.

JASMEET SINGH, J

APRIL 29, 2024/DM

Click here to check corrigendum, if any