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

+ **ARB.P. 641/2024**

SHRI DILIP KUMAR

..... Petitioner

Through: Mr Sanjoy Bhaumik, Adv.

versus

GOVT. OF NCT OF DELHI THROUGH EXECUTIVE ENGINEER

..... Respondent

Through: Mr Avishkar Singhvi, Adv. (through VC)

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

14.05.2024

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I.A. 10904/2024

1. Exemption is granted subject to all just exceptions.
2. The petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.
3. The application is disposed of.

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4. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitration arising out of the agreement dated 22.03.2018. The arbitration clause is contained in clause 25 of the GCC. Since there were disputes, the petitioner invoked arbitration on 17.01.2024.
5. Issue notice.
6. Mr Singhvi, learned counsel accepts notice on behalf of the respondent and states that he has no objection to the petition being allowed. However, he states that all objections including maintainability of the claims



should be left open.

7. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-

- i) Mr. Gaurav Barathi, Advocate (Mob. No. 9810526981) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) 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.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) It is made clear that all the rights and contentions of the parties, including the arbitrability/maintainability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute by either of the parties are left open for adjudication by the learned arbitrator.
- v) The parties shall approach the learned Arbitrator within two weeks from today.

MAY 14, 2024/sr

JASMEET SINGH, J

Click here to check corrigendum, if any