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

+ **ARB.P. 678/2024**

M/S GNA CONSTRUCTION PVT. LTDPetitioner

Through: Mr. Saurav Singh Yadav, Ms. Manish
Agarwal, Advs.

versus

GOVT. OF NCT OF DELHIRespondent

Through: Ms. Hetu Arora Sethi, ASC with Mr.
Arjun Basra, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

07.08.2024

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1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator for adjudication of disputes between the parties.
2. The facts are that the petitioner is a contractor engaged in work contract with the government / local bodies in the name of M/S GNA Construction Pvt. Ltd.
3. The Respondent invited tenders for construction of Cluster Bus Depot at Village Kapashera, District South, Delhi and the said work was awarded to the Petitioner followed by an agreement being executed between the parties for the said project with a contract value of Rs 11,57,06,525/-.
4. Since certain disputes arose between the parties relating to the Agreement executed between the parties, the petitioner invoked arbitration *vide* legal notice dated 15.03.2024.
5. The Agreement contains an arbitration clause being clause 25.2 which reads as under:-



“25.2 Arbitration: If the aforesaid conciliation proceedings fail or the Conciliator fails to give proposal for settlement within the aforesaid period, either party may promptly give notice in the proforma prescribed in Appendix XVIII, under intimation to the other party, to the Chief Engineer or the Superintending Engineer concerned with the work (as applicable), hereinafter referred to as the Arbitrator Appointing Authority as indicated in Schedule F, for appointment of Arbitrator.

However a party may seek appointment of Arbitrator without taking recourse to the process of Conciliation mentioned in sub clause 25.1 above.

In the event of either party giving a notice to the Arbitrator Appointing Authority for appointment of Arbitrator, the said Authority shall appoint Arbitrator as per the procedure given below and refer such disputes to Arbitration.”

6. When the petition first came up for hearing on 20.05.2024, the notice was issued by this Court and the learned ASC accepted notice on behalf of the respondent.
7. Mr. Basra, learned counsel appears on behalf of the respondent and has no objection to the petition being allowed and a Sole Arbitrator being appointed.
8. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Mr. Swastik Singh, Advocate (Mob. No. 9717419767) 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 as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of 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.
9. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

AUGUST 7, 2024 / (MS)

Click here to check corrigendum, if any