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

+ ARB.P. 987/2023
JAGTAR SINGH

..... Petitioner

Through: Mr. Arun Balta and Mr. Abdul
Vahid, Advs.

versus

MUNCIPAL CORPORATION OF DELHI Respondent

Through: Mr. Vishal Kumar, Adv. (Through
VC)

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.01.2024

1. The petitioner has approached this Court under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”] for appointment of an arbitrator to decide the disputes which have arisen between the parties under an Agreement pursuant to a tender dated 06.04.2022 issued by the respondent for allotment of parking sites.
2. The petitioner participated in the Tender and was issued a Letter of Intent dated 14.06.2022. The arbitration clause contained in Clause 32.2 of the tender documents provides for arbitration by a sole arbitrator to be nominated by the Commissioner, Municipal Corporation of Delhi. Delhi is designated as the venue of the arbitration. The courts in Delhi have also been vested with exclusive jurisdiction in respect of all the disputes between the parties.
3. In view of the disputes having arisen between the parties, the petitioner invoked arbitration by a communication dated 24.07.2023, which did not elicit a response.



4. The parties were given an opportunity to settle their disputes but I am informed by learned counsel for the parties that the attempt has been unsuccessful.

5. In these circumstances, learned counsels for the parties submit that an arbitrator may be appointed for adjudication of the disputes. It is undisputed that an independent arbitrator is required to be appointed in view of the judgment of the Supreme Court *inter alia* in *Perkins Eastman Architects DPC Anr. vs HSCC (India) Ltd.* [(2020) 20 SCC 760].

6. The petition is allowed and disputes between the parties arising out of the aforesaid Agreement are referred to the arbitration of Mr. Harish Dudani, former District Judge [9910384728]. With the consent of learned counsel for the parties, it is directed that the arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi [“DIAC”], and will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

7. If the respondent has counter claims, those may also be placed before the learned Arbitrator in accordance with law.

8. It is made clear that this Court has not adjudicated the rights and contentions of the parties on merits, which are reserved for adjudication by the learned Arbitrator.

9. The petition is disposed of with these directions.

PRATEEK JALAN, J

JANUARY 12, 2024/ssc/