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

+ **ARB.P. 954/2024**

**R K JAIN AND SONS HOSPITALITY
SERVICES PRIVATE LIMITED**

.....Petitioner

Through: **Mr. Akshit Sachdeva & Mr.
Mayank Jain, Advocates.**

versus

NEW DELHI MUNICIPAL COUNCIL

.....Respondent

Through: **Mr. Raghuvinder Varma,
Additional Standing Counsel with
Mr. Asheesh Kumar Mishra,
Assistant Standing Counsel.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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08.07.2024

I.A. 32565/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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1. By way of this petition under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], the petitioner seeks appointment of an arbitrator to adjudicate disputes between the parties under a Works Contract dated 03.06.2016 [“the Contract”]. The Contract contains an arbitration clause [Clause 25] which provides for adjudication of disputes by a sole arbitrator.



2. Disputes having arisen between the parties, the petitioner invoked arbitration by a communication dated 22.04.2024, to which there was no response.
3. Mr. Raghuvinder Varma, learned Additional Standing Counsel, appears on behalf of the respondent and states that a major proportion of the amount due under the Contract has already been paid to the petitioner. Nevertheless, he does not dispute the existence of the arbitration clause and accepts that an arbitrator may be appointed, leaving all contentions as to maintainability and merits of the claims open for adjudication by the learned arbitrator.
4. Having regard to the admitted existence of the arbitration clause and with consent of parties, the petition is allowed and disputes between the parties under the Contract dated 03.06.2016 are referred for adjudication under the aegis of Delhi International Arbitration Centre, Shershah Road, New Delhi-110503 [“DIAC”]. DIAC is requested to nominate an arbitrator from its panel.
5. The arbitration proceedings will be governed by the Rules of DIAC, including as to the remuneration of the learned arbitrator.
6. The learned arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
7. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned arbitrator.
8. The petition stands disposed of in these terms.

PRATEEK JALAN, J

JULY 8, 2024/‘pv’/