



\$~4

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

ARB.P. 1307/2023

M/S SHRI GAJANAND ENTERPRISES

..... Petitioner

Through: Ms. Seema Singh, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Siddharth Khatana, Advocate
with Mr. Ajeet Yadav, JE.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

28.02.2024

1. By way of the present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 [“the Act”], the petitioner seeks appointment of a Sole Arbitrator to adjudicate the disputes between the parties.

2. Learned counsel for the petitioner submits that the parties had entered into a Contract Agreement dated 12.02.2021. It is submitted that, as per condition 70 of the General Conditions of the Contract, all disputes, with respect to the said agreement, shall be referred to arbitration. Disputes having arisen between the parties, the petitioner invoked arbitration vide legal notice dated 14.07.2023.

3. Pursuant to notice issued on 11.12.2023, learned counsel has entered appearance on behalf of the respondent. He submits that the existence of the arbitration clause is not disputed, but, according to the respondent, the matter is capable of settlement between the parties. His instructions are that the petitioner is required to submit certain documents, upon which his claims will be finally settled by the



respondent.

4. Having regard to the aforesaid submissions, I am of the view that the appropriate course is to appoint the arbitrator with a request to defer the proceedings for a short time, so as to enable the parties to settle their disputes, if possible.

5. Learned counsel for the parties are also agreeable to such a course.

6. For the aforesaid reasons, and with the consent of learned counsel for the parties, the petition is disposed of with the following directions:

- a. Disputes between the parties are referred to arbitration under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi-110503 [“DIAC”]. DIAC is requested to nominate an Arbitrator from its panel. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.
- b. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
- c. DIAC is requested to defer the reference for a period of four weeks from today, to enable the parties to arrive at a settlement. DIAC may enter into the reference after the expiry of the said period, upon request of either party.

7. All rights and contentions of the parties on maintainability and merits are left open for adjudication by the learned arbitrator.

PRATEEK JALAN, J

FEBRUARY 28, 2024/“Bhupi”/