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

+ **ARB.P. 1357/2023& I.A. 25756/2023**

D. D. PRADHAN AND CO. PVT. LTD.Petitioner

Through: **Mr. Vikram Kumar & Ms. Anushka
Kumar, Advocates**

versus

MULTIVAC LARAON INDIA PVT. LTD.Respondent

Through: **Mr. Prashant Katara, Mr. Shivam
Gupta and Mr. Soin Khan, Advs.**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

23.10.2024

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1. The Petitioner has approached this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the parties.
2. It is stated that the Respondent invited tender for fire-fighting and plumbing works to be carried at its project site, i.e., Plot No.SP5-245, RIICO Industrial Area, Ghiloth, Distt. Alwar, Rajasthan.
3. It is stated that the Petitioner being the successful bidder was awarded the Purchase Order dated 18.07.2024. However, it is stated that *vide* email dated 30.09.2023, the Petitioner raised various concerns/disputes in respect of the approvals of fittings/material/product, hindrance on work front, rate differences of equipment, payment delays, verification of RA Bill No.8. It is stated that the Respondent *vide* email dated 21.10.2023 terminated the



contract/agreement.

4. It is stated that a legal notice dated 25.10.2023 was issued by the Petitioner invoking Clause 52 of the tender document for resolving the disputes and for release of the amount due and payable.

5. Pursuant to the said legal notice, it is stated that the Respondent *vide* reply dated 15.11.2023 terminated the Purchase Order/Work Order bearing Ref. No.MUIN/22- 23 /PO373 dated 18.07.2022.

6. It is stated that on 05.12.2023, the Petitioner issued a notice under Section 21 of the Arbitration & Conciliation Act, 1996 to the Respondent for appointment of an Arbitrator for resolving the disputes.

7. It is stated that since the Respondent has not replied to the said notice, the Petitioner has approached this Court by filing the instant petition for appointment of an Arbitrator.

8. During the course of hearing, respective Counsel for the parties jointly request that an independent Sole Arbitrator be appointed to adjudicate the disputes between the parties.

9. Accordingly, Mr. Anirudh Sharma, (Adv.) (Mob. No. 9868481182) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

10. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

11. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on reference.

12. All rights and contentions of the parties in relation to the



claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

13. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

14. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

OCTOBER 23, 2024

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