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

+ **ARB.P. 7/2024**

MAHENDER PAL SINGH

..... Petitioner

Through: Mr. Rachit Wadhwa, Adv.

versus

**DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD** Respondent

Through: Mr. R. K. Dhawan, Standing Counsel
with Mr. V. K. Teng, Ms. Nisha
Dhawan, Ms. Shivani Taneja, Ms.
Avnesha Singh, Advs. for DSIIDC.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

06.02.2024

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1. By way of the present petition filed under Section 11(6)(B) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of an Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into an Agreement in the form of a letter of commencement of work dated 24.12.2012. It is submitted that the said Agreement contains an arbitration clause (Clause-25 of the GCC), which provides that all disputes, with respect to the said agreement, shall be referred to arbitration as per provisions of the A&C Act, and further provides that



the place of arbitration would be at Delhi.

3. Disputes having arisen between the parties, the petitioner invoked the clause of arbitration vide notice under section 21 of the A&C Act dated 10.05.2023.
4. Learned counsel appearing for the respondent, on instructions, submits that the answering respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator.
5. In view of the above, the disputes between the parties under the said agreement are referred to the arbitral tribunal with the following directions:
 - a. With the consent of the parties, Ms. Rekha Sharma, former Judge, of Delhi High Court is appointed as the Sole Arbitrator.
 - b. 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 Schedule IV of the A&C Act or as the parties may agree.
 - c. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the A&C Act before entering into the reference.
 - d. It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claims, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
 - e. The parties shall approach the learned arbitrator within two weeks



from today.

6. The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

FEBRUARY 6, 2024/AR..