



2024:DHC:9550



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

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Date of Decision : 10.12.2024+ **ARB.P. 1372/2024****GIRIRAJ MAHESWARI**

.....Petitioner

Through: Advocate (appearance not given)
versus**DELHI URBAN SHELTER IMPROVEMENT BOARD**

.....Respondent

Through: Mr. Anuj Chaturvedi, Ms. Richa
Dhawan, Ms. Harshita Maheshwari,
Mr. Pawan Kumar Deo, Advs.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)**

1. The present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred as 'the A&C Act') seeks appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
2. The disputes stem from an e-auction conducted by the respondent for "*allotment of vacant land for operating the authorized parking site on temporary basis under the jurisdiction of Delhi Urban Shelter Improvement Board*".
3. The respondent accepted the petitioner's bid vide letter of acceptance dated 13.12.2023 and the Parking Site near E-3/126, Nand Nagri in ward no.243, Shahdra North Zone was allotted to the petitioner, being the highest bidder.
4. The arbitration clause in the agreement between the parties is in the following terms: -



“28. Jurisdiction of Disputes/Mediation/Arbitration

i) All disputes shall be under the jurisdiction of Delhi Courts only.

ii) In case of any dispute either party shall try to settle it through mediation as appointed by competent authority i.e. CEO, DUSIB if remained unresolved. The matter may be referred to arbitration for settlement of such dispute by the CEO (DUSIB) under Arbitration and conciliation Act within two months from the date when applied by successful bidder.”

5. Disputes between the parties have arisen on account failure on the part of the respondent to provide peaceful possession of the parking site to the petitioner.

6. Consequently, the petitioner sent communications to the respondent, requesting peaceful possession of the parking site. Meetings were initiated to urge the respondent to clear encroachments and hand over the parking site. On 24.05.2024, a meeting chaired by the Deputy Director (RP Cell) of the respondent directed the officials to address the encroachment and provide possession by 31.05.2024, failing which the petitioner's deposited funds were to be refunded. However, these directives were not implemented, and no effective action was taken by the respondent.

7. Thereafter, the petitioner sent a final request on 07.06.2024, urging the respondent to refund the payments made. Having received no positive response the petitioner invoked the arbitration clause via letter dated 26.07.2024, followed by a reminder on 16.08.2024. However, the respondent failed to reply and instead issued a show-cause notice dated 13.08.2024, to which the petitioner responded on 26.08.2024.

8. The petitioner has now approached this Court, through the present petition, seeking the appointment of a Sole Arbitrator to adjudicate the



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dispute/s.

9. Learned counsel for the respondent does not dispute the existence of the Arbitration Agreement and accedes to appointment of an independent Sole Arbitrator.

10. Accordingly, Ms. Swati Surbhi, Advocate (Mob. No. +91 9899999785) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

11. The respondent shall be entitled to raise preliminary objections as regards jurisdiction/arbitrability, which shall be decided by the learned arbitrator, in accordance with law.

12. The learned Sole Arbitrator may proceed with the arbitration proceedings subject to furnishing to the parties requisite disclosure as required under Section 12 of the A&C Act.

13. At request of respective counsel, it is directed that the arbitration shall take place under the aegis of and under the rules of the Delhi International Arbitration Centre (DIAC).

14. All rights and contentions of the parties in relation to the claims/counter claims are kept open, to be decided by the learned Sole Arbitrator on their merits, in accordance with law.

15. Needless to say, nothing in this order shall be construed as an expression of opinion of this court on the merits of the case.

16. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

DECEMBER 10, 2024/sv