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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 54/2024

SERVOTECH ELECTRICALS PVT LTD

..... Petitioner

Through: Mr. Rakesh Kumar & Mr Ankit
Kumar, Advocates (M:
9570521455).

versus

ADVANCE INDIA PROJECTS LIMITED

..... Respondent

Through: Mr. Arjun Jain, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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24.05.2024

1. This hearing has been done through hybrid mode.
2. The present is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (*hereinafter, '1996 Act'*) filed by Petitioner-Servotech Electricals Pvt. Ltd. seeking appointment of an arbitrator in terms of clause 44 of the Special Conditions of Contract incorporated in a Work Order dated 16th October, 2017
3. Disputes between the Petitioner and the Respondent is regarding unpaid amounts for electrical work performed by the Petitioner at '**Joy Street, Sector-66, Gurugram**'. As per the petition, the Respondent approached the Petitioner to undertake electrical works, including designing, supplying, fabrication, installation, testing, commissioning, and low side electrical works. As per the petition, the Petitioner company has commenced work as per the Work Order, and completed it to the Respondent's satisfaction, as acknowledged.
4. However, despite the completion and acknowledgment of the work under the Work Order, the Respondent failed to release the payments for RA



Bill-15 and RA Bill-16/Final Bill, amounting to a total of Rs.76,54,869/-.

5. The Petitioner also sent a notice invoking arbitration under Section 21 of the 1996 Act dated 23rd August, 2023 for the appointment of a sole arbitrator, however, the same was not replied to by the Respondent-Advance India Projects Ltd.

6. Vide order dated 16th January, 2024, this Court issued notice to the Respondent in the present petition.

7. Notice was issued. Parties attempted mediation. However, the mediation did not work out.

8. In terms of the Clause 44 of the settled conditions of contract annexed with the work order dated 16th October, 2017, a *Id.* Sole Arbitrator is to be appointed. Since parties have not resolved their dispute, ***Mr. Ajit Pudussery, Advocate (M: 9810164651)***, who is present in Court, is appointed as the Sole Arbitrator.

9. The Arbitration proceedings shall take place under the aegis of the Delhi International Arbitration Centre (hereinafter, '*DIAC*'). The arbitration proceedings shall be conducted under the Rules of DIAC. The fee of the *Id.* Sole Arbitrator shall be as per the Fourth Schedule of the Arbitration and Conciliation Act, 1996, as amended by the DIAC Rules.

10. List before the DIAC on 11th July, 2024 at 3:00 p.m. Let a copy of the present order be emailed to Secretary, DIAC on the email id-delhiarbitrationcentre@gmail.com. All contentions of the parties are left open.

11. Petition is disposed of with all pending applications, if any.

PRATHIBA M. SINGH, J.

MAY 24, 2024/mr/ks