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

+ **ARB.P. 1392/2024**

MS DESIGN ASSOCIATES INC

.....Petitioner

Through: Mr. Samarth Krishan Luthra, Adv.

versus

EMPLOYEE STATE INSURANCE CORPORATION

.....Respondent

Through: Mr. Mahesh Srivastava, Advocate

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

12.11.2024

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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 Petitioner entered into a Contract Agreement with the Respondent for providing Architectural and Engineering Consultancy Services for setting up for medical college and post-graduate institute and modernisation/face lifting of ESIC Hospital, Sanath Nagar, Hyderabad.
3. It is stated that since there was dispute regarding non-payment of dues, the Petitioner issued notice dated 17.04.2024 to the Respondent for an amicable settlement. Since no reply was given by the Respondent, the Petitioner issued a notice dated 04.05.2024 under Section 21 of the Arbitration & Conciliation Act, 1996 invoking arbitration clause.
4. It is stated that since the Respondent has not made the outstanding payment even after the meeting dated 05.06.2024 with the Chief Engineer,



ESIC assuring the Petitioner regarding payment of the outstanding dues with one month, the Petitioner has approached this Court by filing the instant petition for appointment of an Arbitrator.

5. 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.

6. Accordingly, Mr. Ram Watel, (Adv.) (Mob. No. 9810031696) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

7. 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.

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

9. 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.

10. 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.

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

SUBRAMONIUM PRASAD, J

NOVEMBER 12, 2024

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