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

+ **ARB.P. 1408/2024**

**SH. KAMAL KUMAR, PROPRIETOR OF M/S AASTHA
ELECTRICALS**Petitioner

Through: Mr. Rajat Asija and Mr. Sachin
Dhingra, Advs.

versus

M/S ENERGY EFFICIENCY SERVICES LTDRespondent
Through: Mr. Samdarshi Sanjay, Mr. Ashish
Kumar Sharma, Advocates.

**CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER
25.10.2024**

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1. The present petition has been filed under Section 11(5) and 11(5) of the Arbitration and Conciliation Act, 1996 by the Petitioner seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties under the Contract for installation and maintenance of street lights in the regions of Jammu and Kashmir entered into between the parties. There is an arbitration clause in the Letters of Award ("LoA") dated 23.10.2019, 25.05.2022, and 06.02.2023 which reads as under:

“Arbitration shall be conducted as per Arbitration act, 1996 and its subsequent amendment. The Contract shall be governed by and interpreted in accordance with law in force in India. The courts of Delhi shall have exclusive jurisdiction in all matters arising under



the contract.”

2. Notice was issued in the petition on 10.09.2024. Service is complete.
3. Mr. Samdarshi Sanjay, learned Counsel, is appearing on behalf of the Respondent.
4. Material on record indicates that a notice invoking arbitration under Section 21 of the Arbitration and Conciliation Act, 1996 was sent by the Petitioner to the Respondent on 21.07.2024. It is stated that since there was no reply from the Respondent, the Petitioner has approached this Court by filing the present petition seeking appointment of an Arbitrator.
5. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the Contract, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.
6. Accordingly, Mr. J P Sengh, Sr. Advocate & Mediator, (Mob. No.9810034284) is appointed as an 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 1996 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

OCTOBER 25, 2024

S. Zakir