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

+ **ARB.P. 1462/2024 & I.A. 40070/2024**

M/S JAI BHAGWAN (THROUGH ITS PARTNERS)Petitioner

Through: Ms. Harsh Chachra, Ms Sreyashi
Banerjee, Mr. Rajender Kumar &
Ms.Anshu Nanda, Advocates

versus

**IRRIGATION AND FLOOD CONTROL DEPARTMENT GOVT.
OF NCT OF DELHI,Respondent**

Through: Mr. Karn Bhardwaj ASC, GNCTD
with Mr. Shubham Singh, Mr. Rajat
Gaba and Mt. Saurabh Dahiya,
Advocates

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 Respondent awarded the work order through Tender to the Petitioner in regard to development of forest including construction of Track and Hut in Village Mitraon, NG Block, vide Letter No.EE/CD-XIII/16-17/Vcs/49/5354. Vide letter dated 28.09.2021, the Petitioner wrote a letter to the Respondent and informed that the work is completed a long time ago, but for the last 1.5 years, his bills, as submitted to the accounts branch are pending and have not been released to the



Petitioner.

3. It is stated that since the Respondent defaulted in payment of bills, the Petitioner, vide letter dated 14.03.2024 requested the Respondent for appointment of Arbitrator for settlement of Disputes/Claims. Since no reply has been given by the Respondent to the letter dated 14.03.2024 of the Petitioner, the Petitioner has approached this Court by filing the present Petition. Clause 25 of the Agreement is an Arbitration Clause.
4. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the Loan Agreement, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.
5. Accordingly, Mr. Anupam Srivastava, Adv. (Mob. No. 9811032151) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.
6. 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.
7. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration and Conciliation Act within a week of entering on reference.
8. In the meantime, it is always open for the parties to settle the disputes.
9. All rights and contentions of the parties in relation to the claims/counter-claims, question regarding jurisdiction, arbitrability of the dispute on the ground of fraud etc. 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 and the order that is being passed is confined to appointment of Arbitrator under Section 11 of the Arbitration & Conciliation Act.

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

SUBRAMONIUM PRASAD, J

NOVEMBER 12, 2024

RJ