



2024:DHC:9445



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 06.12.2024

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ARB.P. 1485/2024**SH NARESH ROHILLA**

.....Petitioner

Through: Mr. Manoj Godara, Advocate
(through VC)

versus

M/S LARSEN AND TOUBRO LTD.

.....Respondent

Through: Mr. Ankit Chaturvedi, Ms. Aishwarya
Mishra, Ms. Eccha Shukla and Ms.
Souravi Das, Advocates.**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 to as '*the A&C Act*') seeks constitution of an arbitral tribunal to adjudicate the disputes between the parties.
2. Disputes between the parties have arisen in the context of an agreement whereby the petitioner was to provide manpower services to the respondent for its construction project.
3. The agreement between the parties contains an arbitration clause as under :-

"30. Arbitration: All disputes & difference arising out of the connection(s) with this order failing amicable settlement shall be referred to arbitration under the Indian Arbitration & Conciliation Act, 1996 or any statutory modification thereof in force at the time. The venue of such arbitration shall be at Delhi. However, work as contracted shall not be suspended during proceedings. The arbitration shall be conducted by an arbitrator appointed by the employer."



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4. Disputes between the parties have arisen on account of the fact that the alleged monetary entitlement of the petitioner remains unpaid.
5. Learned counsel for the respondent, while strongly refuting the claims sought to be raised by the petitioner, does not dispute the existence of the arbitration agreement and accedes to the appointment of an independent sole Arbitrator by this Court to adjudicate the disputes between the parties.
6. Accordingly, Ms. Shreya Vedantika Mehra, Advocate (Mob. No. +91 9910027557) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
7. The respondent shall be at liberty to raise preliminary objections as regards arbitrability/jurisdiction, if any, which shall be decided by the arbitrator, in accordance with law.
8. 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.
9. At request of respective counsel, it is directed that the arbitration shall take place under the aegis of and as per the Rules of Delhi International Arbitration Centre (DIAC).
10. 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.
11. Needless to say, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the case.
12. The present petition stands disposed of in the above terms.

DECEMBER 6, 2024/r**SACHIN DATTA, J**