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

+ ARB.P. 1488/2024

M/S VYOM GANGA ENGINEERS AND CONSULTANT PVT LTDPetitioner

Through: Mr. Vikas Kumar Sharma, Advocate

versus

M/S PLANNING AND INFRASTRUCTURAL DEVELOPMENT CONSULTANTS PVT LTDRespondent

Through: Mr. Shekhar Kumar, Mr. Vijay Kumar, Mr. Aman, Advocates

+ ARB.P. 1514/2024

M/S VYOM GANGA ENGINEERS AND CONSULTANT PVT LTDPetitioner

Through:

versus

MS PLANNING AND INFRASTRUCTURAL DEVELOPMENT CONSULTANT PVT LTDRespondent

Through: Mr. Shekhar Kumar & Mr. Vijay Kumar, Advocates

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
04.11.2024

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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 a Sub Consultancy Agreement dated 04.10.2019 was entered into between the Petitioner and the Respondent. It is stated that the Petitioner started raising bills to the Respondent and subsequently the Respondent raised the bills to the Project Client. It is stated that the Project Client released the invoice amount but the Respondent withheld the bill amount as well as the GST amount from the invoices which was to be released to the Petitioner.
3. It is stated that since the Respondent did not release the withheld bill amount, the Petitioner sent a notice asking the Respondent to release the withheld amount along with interest.
4. Since there was a dispute between the parties, the Petitioner issued notice dated 24.04.2024 to the Respondent invoking arbitration under Clause 1.8.2(iii) the Sub Consultancy Agreement. However, the Respondent did not agree to the names of Arbitrators suggested by the Petitioner. Subsequently, the Petitioner has approached this Court by filing the instant petitions 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. Nikhil Palli, Adv. (Mob. No.9811676973) 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 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 petitions stand disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 4, 2024

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