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

+ **ARB.P. 1492/2024**

GARG BUILDERS

.....Petitioner

Through: Mr. Rahul Malhotra, Advocate

versus

GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sameer Vashisht, ASC (Civil) for
GNCTD with Ms. Harshita Nathrani,
Advocate

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

11.11.2024

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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 which was arisen between the parties in relation to construction of Elevated Road over Barapullah Nallah starting from Sarai Kale Khan to Mayur Vihar, New Delhi Sh:-Widening of Mayur Vihar Phase 1 bridge on both sides and executed the Agreement No. 02/EE/F-21/PWD/2020-21.
2. It is the case of the Petitioner that the work was completed albeit with delay. It is stated that the Petitioner raised the disputes/claims with the Respondent in terms of Clause 25(i) of the GCC *vide* letter dated 04.03.2024 and enclosed the list of claims. It is stated that the disputes arose between the parties when the Respondent *vide* letter dated 15.04.2024



rejected/refused the claims of the Petitioner. It is stated that since the Contract was covered by the GCC, the Petitioner has requested the Chief Engineer to refer the claims and disputes to the Dispute Redressal Committee. *Vide* letter dated 30.05.2024, meeting was convened on 07.06.2024 to examine the claims/disputes of the Petitioner and suggest an amicable solution to the same. However, the meeting ended in a failure and the Petitioner has approached this Court by filing the instant petition.

3. Clause 25(ii) of the Contract contains an Arbitration Clause. Since the dispute is less than Rs.20 crore, a Sole Arbitrator be appointed to adjudicate the disputes which have arisen between the parties.

4. Reply has not been filed by the Respondent/GNCTD. This Court is of the opinion that there cannot be any meaningful objections by the Respondent in view of the nature of the disputes.

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, Justice Krishna Murari, Former Judge Supreme Court of India, (Mob. No. 9415308516) 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 stand disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 11, 2024

RJ/hsk