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

+ **ARB.P. 1621/2024**

M/S PANCHHI TENT HOUSE

.....Petitioner

Through: Mr. Rajneesh Bhaskar with Mr.
Rachit Raushan and Ms. Amrita
Dhawan Advocates

versus

GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Divyam Nandrajog, Panel
Counsel, GNCTD, Mr. Aman Wasan,
Advocate, Mr. Amit Dagar, Junior
Assistant, SDM Election South West

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

27.11.2024

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1. The present petition has been filed under Section 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 Work Order vide F.2(103)/DEO/SW/Etender Catering/AE/2019/942-45 dated 13.01.2020 awarded to the Petitioner for providing catering and refreshment services during the General Election to the Delhi Legislative Assembly-2020, conducted in the District South- West, New Delhi. It is stated that disputes have arisen between the parties regarding the quantum of money paid by the Respondent to the Petitioner.

2. It is the case of the Petitioner that the Petitioner has not received the payment in full for the services rendered by him.

3. It is the stand of the learned Counsel for the Respondent that part-



payment was made on 10.03.2021 whereas the present Petition has been filed on 14.10.2024 and, therefore, the claim of the Petitioner is barred by limitation.

4. This Court is of the opinion that the present case is not the one where it can be said that the claim is clearly barred by limitation. In view of the fact that disputes have arisen between the Parties and there is an arbitration clause, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the Parties.

5. Accordingly, Ms. Sagrika Wadhwa, (Adv.) (Mob. No. 8527531588) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

6. The learned arbitrator shall be entitled to fees as per the Schedule of Fees mentioned under the A&C Act.

7. The learned arbitrator is also requested to file the requisite disclosure under Section 12(2) of the A&C Act within a week of entering on reference.

8. 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.

9. 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 this Court has not made any observations as to whether the claim is barred by limitation or not.

10. The present petition stands disposed of in the above terms.

SUBRAMONIUM PRASAD, J

NOVEMBER 27, 2024

Rahul