



2024:DHC:9168



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 25.11.2024

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ARB.P. 1727/2024**M/S VARINDERA CONSTRUCTIONS LIMITED.....Petitioner**

Through: Mr. Vivek Narayan Sharma, Mr. Sahil A. Grg Narwana, Mr. Dipesh Singhal, Mr. Kapil Gaba, Ms. Shruti Priya Sharma, & Mr. Abhiraj Wadhera, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.....Respondents

Through: Mr. Pratap Singh Ahluwalia & Mr. Sourav Ronsa, Advs. for DDA.

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 seeks constitution of an arbitral tribunal to adjudicate the disputes between the parties.

2. The order dated 11.11.2024 records as under:

“7. Accordingly, with the consent of respective counsel, the following directions are issued:

(i) Mr. Arvind Kumar Arora, DG, (MES) (Retd.) is appointed as the nominee arbitrator of the petitioner.

(ii) The respondent / DDA shall appoint its nominee arbitrator within a period of 15 days from today, failing which the said appointment shall be made by this Court on the next date of hearing;



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(iii) The presiding arbitrator will be appointed by this Court on the next date of hearing.”

3. Pursuant to the said order, Mr. Vineet Kumar Jaiswal (Retd. DG, CPWD) has been appointed as the nominee Arbitrator of the respondent-DDA.
4. The presiding Arbitrator is to be appointed by this Court in terms of order dated 11.11.2024.
5. Although it is submitted by the parties that a technical person be appointed as the presiding arbitrator, in the opinion of the Court since two out of three members of the arbitral tribunal (appointed by the petitioner and the respondent/DDA respectively) have a technical background, it would be apposite to appoint a person having a judicial background as the presiding Arbitrator.
6. Accordingly, Justice (Retd.) S. Ravindra Bhat (Mob.: +91 9818000160), former Judge, Supreme Court of India is appointed as the presiding Arbitrator.
7. The Arbitral Tribunal may proceed with the arbitration proceedings subject to furnishing to the parties requisite disclosure as required under Section 12 of the A&C Act.
8. In the event of objection/s as regards jurisdiction/ arbitrability being raised by the parties, the same shall be duly considered and decided by the arbitral tribunal.
9. At request of the respective counsel, it is directed that the arbitration shall take place under the aegis of, and as per the rules of the Delhi International Arbitration Centre (DIAC). It is directed accordingly.
10. All rights and contentions of the parties in relation to the



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claims/counter claims are kept open, to be decided by the Arbitral Tribunal 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.

SACHIN DATTA, J

NOVEMBER 25, 2024/pk