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

+ **ARB.P. 1836/2024**

M/S GOPAL CONSTRUCTION COMPANYPetitioner

Through: Ms. Harsh Chachra, Ms. Sreyashi
Banerjee and Ms. Anshu Nanda,
Advocates.

versus

**IRRIGATION AND FLOOD CONTROL DEPARTMENT,
GOVT. OF NCT OF DELHI**Respondent

Through: Ms. Puhumi Aditya, Adv. for Mr.
Jawahar Raja, ASC (Civil), GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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21.11.2024

I.A. No. 45765/2024 (by the petitioner under Section 151 of CPC)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

I.A.No.45766/2024 (by the petitioner under Section 5 of the Limitation Act and Section 151 of CPC)

3. For the reasons mentioned in the application, the delay in re-filing is condoned.
4. The application stands disposed of.

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5. By way of the present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 [hereinafter referred to as "Act"], the



petitioner seeks appointment of an arbitrator to adjudicate the disputes between the parties that have arisen out of the acceptance letter dated 21.03.2023 and agreement bearing no.EE/CD-II/ACS/W-84/Agmt. No.78/2022-23.

6. Clause 25 of the agreement provides for resolution of disputes by arbitration. The arbitration is to be conducted by the sole arbitrator. Though, no seat and venue of the arbitration has been mentioned in the clause, however, it is not in dispute that the work awarded was to be executed in Delhi. Further, the respondent also carries on business in Delhi. Therefore, this court is vested with exclusive jurisdiction in relation to the disputes under the agreement.

7. The disputes having arisen between the parties, the petitioner invoked arbitration clause *vide* notice/letter dated 19.06.2024 which failed to elicit any response. Hence, the present petition.

8. Issue notice. The learned counsel appearing on behalf of the respondent accepts notice. She submits that the respondent has no objection in case the arbitrator is appointed.

9. At the stage of proceedings under Section 11 of the Act, the court is only required to satisfy itself *prima facie* as to the existence of arbitration agreement. This court is satisfied that there is an arbitration clause in the agreement that was entered into between the petitioner and the respondent.

10. The petition is, therefore, allowed. The disputes between the parties are referred to the arbitration of Ms. Saloni Mahajan, Advocate (9958407969). The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court (DIAC) and will be governed by the rules of DIAC including as to the remuneration of the learned arbitrator.



11. The learned arbitrator is requested to furnish a declaration under Section 12 of the Act prior to entering upon the reference.
12. With the aforesaid directions, the petition stands disposed of.

NOVEMBER 21, 2024
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VIKAS MAHAJAN, J