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

+ **ARB.P. 326/2025**

M/S KAVINDER VEER SINGH

.....Petitioner

Through: Mr. Avinash Trivedi & Mr. Rahul
Aggarwal, Advs.

versus

GOVT OF NCT OF DELHI I AND FC DEPARTMENT

.....Respondent

Through: Ms. Avsi Malik, & Mr. Abhinav
Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
11.03.2025

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1. This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (“**A&C Act**”), to appoint a Sole Arbitrator to adjudicate the disputes between the parties arising under Letter of Acceptance dated 5th July 2023 in respect of project – ‘*Improvement of street and side drain at Gopal Nagar, P-Block & Gopal Nagar Extn. (E ,F,G&H Block), Main Dhansa Road in N.G. Block, (Reg No. 1057), Part- 2*’ .
2. The contract was since terminated on 15th February 2024. Demand notices were sent on 24th September 2024, 11th October 2024 and 14th November 2024.
3. In the notice sent on 14th November 2024, the dispute resolution mechanism as mandated under *Clause 25* of the Contract, which involved redressal through Dispute Redressal Committee (**‘DRC’**) was requested by the petitioner, however, in response dated 19th November 2024, the demand



itself was objected to by Executive Engineer but there was no response on the issue of DRC.

4. Counsel for respondent states that they are amenable to the appointment of Sole Arbitrator, considering the dispute in question is of Rs. 15 lakhs, approximately.

5. In the opinion of the Court, considering that DRC has not yet been activated by respondent, despite request by petitioner, they are not standing in the way of the matter being resolved through arbitration.

6. *Clause 25* provides for arbitration by three arbitrators, post the DRC assessment, in particular *clause 25(2)* provides for adjudication by a sole arbitrator when claim amount is less than Rs. 20 crores.

7. Considering that the parties are located within jurisdiction of this Court, this Court has territorial jurisdiction to issue directions for appointment of sole arbitrator.

8. Mr. Attin Shankar Rastogi, Advocate (Mob. No. 9811778900) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.

9. The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (**‘DIAC’**). The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the A&C Act.

10. The Sole Arbitrator is requested to furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.

11. It is made clear that all the rights and contentions of the parties, including the arbitrability/maintainability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute by either of the parties are left open for adjudication by the Sole Arbitrator.



12. The parties shall approach the Sole Arbitrator within two weeks from today.
13. Needless to state that respondent is at liberty to file a counter claim which shall be dealt with in accordance with law.
14. The petition is disposed of, accordingly.
15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 11, 2025/sm