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

+ **ARB.P. 550/2025**

MR ASHWANI GARG

.....Petitioner

Through: Mr. Avinash Trivedi and Mr. Rahul Aggarwal, Advocates.

versus

DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION LTD

.....Respondent

Through: Mr. Uday Seth and Ms. Puja Dewan Seth, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

17.04.2025

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1. This petition is preferred on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.

2. Petitioner applied against a tender published for execution of the work of '*Construction of Secondary classes wing for Sarvodaya Kanya Vidyalaya Ghitorni, New Delhi*' by the Respondent and was declared a successful bidder. Acceptance letter for awarding the work was issued in favour of the Petitioner on 03.02.2016. Petitioner submitted Performance Bank Guarantees and parties executed an Agreement for execution of the work for a total sum of Rs.5,18,29,680/- on 14.02.2016. Stipulated date of completion was 13.09.2016. As per the Petitioner, work was completed with delay of 703 days but the Respondent issued completion certificate on 17.08.2018 but did not pay the final bill as per terms of the Contract. Disputes having

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arisen with respect to the alleged outstanding payments and there being an arbitration clause between the parties, Petitioner invoked Clause 25 vide notice dated 07.12.2023 followed by reminders and sought appointment of an Arbitrator but there was no response and Petitioner has filed the present petition.

3. Issue notice.

4. Mr. Uday Seth, learned counsel accepts notice on behalf of the Respondent and on instructions, submits that Respondent does not dispute the existence of Clause 25 as an arbitration agreement between the parties and has no objection to the appointment of a Sole Arbitrator by this Court.

5. Accordingly, with the consent of the parties, Mr. Justice Ali Mohammad Magrey, former Chief Justice of Jammu & Kashmir and Ladakh High Court, (Mobile No. 6005509928) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. Arbitration proceedings will be held under the aegis of DIAC and as per its Rules. Fee of the Arbitrator shall be as per the DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

6. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

7. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open.

8. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 17, 2025

S.Sharma/shivam

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