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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 616/2025**
MR. AJIT SINGH TANWAR SOLE PROPRIETOR OF M/S RAJ ENTERPRISESPetitioner
Through: Mr. Avinash Trivedi, Adv. Mr. Rahul Aggarwal, Adv. Mr. Anurag Kaushik, Adv.
versus
IRRIGATION AND FLOOD CONTROL DEPARTMENTRespondent
Through: Ms. Rachita Garg and Mr. Agam Rajput, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

% **ORDER**
22.07.2025

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties.
2. The facts are that the petitioner was awarded the work of construction of 8 KM Tail Path for Malcha Mahal, Central Ridge vide Letter of Acceptance (LoA) dated 07.07.2023. On 19.08.2023, the petitioner requested clearance of dues and sought permission for truck entry during No Entry hours, but received no response. Despite certification of the 1st RA bill for ₹82,16,504 on 21.08.2023, the petitioner sent multiple reminders all of which were ignored.
3. The petitioner initially requested conciliation via letter dated 24.09.2024 but received no response from the respondent. Subsequently, the petitioner sent a letter on 18.11.2024 to the Chief Engineer (I&FC), again requesting the appointment of an arbitrator.



When no reply was received, another letter dated 19.12.2024 was sent to the Chief Engineer (T&FC), invoking Clause 25.2 of GCC and serving a notice for arbitration. However the respondent failed to appoint the Arbitrator with the stipulated period of 30 days. Hence the present petition.

4. Clause 25.2 of GCC reads as under:

“25.2 Arbitration: If the aforesaid conciliation proceedings fail or the conciliator fails to give proposal for settlement within the aforesaid period either party may promptly give notice in the proforma prescribed in Appendix XVIII, under intimation to the other party, to the Chief Engineer or the Superintending Engineer concerned with the work (as applicable), hereinafter referred to as the Arbitrator Appointing Authority as indicated in Schedule F, for appointment of Arbitrator.

However, a party may seek appointment of Arbitrator without taking recourse to the process of conciliation mentioned in sub-clause 25.1 above.

In the event of either party giving a notice to the Arbitrator Appointing Authority for appointment of Arbitrator, the said Authority shall appoint Arbitrator as per the procedure given below and refer such disputes to arbitration.”

5. Since there were disputes between the parties, the petitioner invoked arbitration vide legal notices dated 19.08.2023 and last being 26.03.2024. Thereafter the present petition has been filed.



6. Mr. Rajput, learned counsel for the respondent has no objection to appointment of the arbitrator.
7. Since there are disputes and in view of the statement of the learned counsel for the respondent, the petition is allowed and the following directions are issued:-
 - i) Ms. Kanika Agnihotri, Advocate (Mob. No. 9810980027) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
 - iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
 - iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
 - v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
 - vi) The parties shall approach the learned Arbitrator within two weeks from today.



8. The present petition is disposed of in the aforesaid terms.

JULY 22, 2025/ (MS)

JASMEET SINGH, J