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

+ **ARB.P. 721/2025**

H R BUILDERS

.....Petitioner

Through: Mr. Vishesh Wadhwa, Ms. Smadha Gupta and Ms. Snigdha Jha, Advocates.

versus

DELHI AGRICULTURAL MARKETING BOARDRespondent

Through: Ms. Avnish Ahlawat, Standing Counsel with Ms. Taniya Ahlawat, Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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09.05.2025

I.A. 11795/2025 (Exemption)

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

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3. 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.
4. As set out in the petition, Petitioner was awarded the work of construction at IFC, Gazipur, Phase-III, vide letter of acceptance dated 28.04.2010 and subsequently, an Agreement was executed on 25.05.2010. Stipulated date of completion of work under the Agreement was 24.02.2011 and as averred work was completed by the Petitioner on 24.03.2012 with a



delay of 13 months on account of factors attributable to the Respondent. Petitioner raised several claims for outstanding payments, which were not honoured and Petitioner invoked the arbitration clause 25 on 05.06.2014 and sought appointment of the Arbitrator.

5. It is further averred that Respondent failed to appoint an Arbitrator and Petitioner filed petition under Section 11(6) of 1996 Act before this Court being ARB. P. No. 569/2014. By order dated 04.02.2015, Court appointed a Sole Arbitrator and after proceedings continued till 16.01.2018, the learned Arbitrator reserved the award. Multiple reminders were sent to the Arbitrator to pass the award between 05.10.2019 to 26.11.2019 but the award was not passed. Petitioner therefore filed a petition under Sections 14 and 15 of the 1996 Act being OMP (T) 2/2020, seeking termination of the mandate of the Arbitrator. Subsequent thereto, the Arbitrator passed the award on 21.09.2020 and the petition was disposed of as withdrawn on 01.12.2020.

6. It is further averred that the award was challenged by the Petitioner under Section 34 of the 1996 Act on grounds of undue delay, procedural impropriety and violation of public policy. By judgment dated 29.10.2024, in OMP (COMM) 88/2021, this Court set aside the arbitral award on ground of inordinate delay in passing the same observing that delay becomes more conspicuous in light of the fact that the final arguments were concluded on 16.01.2018. Pursuant thereto, Petitioner issued a fresh notice invoking arbitration on 20.12.2024 under Clause 25 to which Respondent sent a reply on 12.01.2025 declining the request for appointment on the ground that the arbitral award had been set aside and no claim remained to be adjudicated.

7. Issue notice.



8. Ms. Avnish Ahlawat, learned Standing Counsel appearing on behalf of the Respondent accepts notice and on instructions, fairly submits that since the existence of Arbitration Agreement is not disputed, Respondent has no objection to the appointment of an Arbitrator by this Court.

9. Accordingly, with the consent of the parties, Ms. Saroj Bidawat, Advocate (Mobile No. 9810340866), is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

10. Fee of the Arbitrator shall be fixed as per Fourth Schedule of 1996 Act.

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

12. 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.

13. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

MAY 9, 2025
S.Sharma/shivam