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

+ **ARB.P. 881/2024**

MR MANISH GOEL

.....Petitioner

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

versus

DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION LTD

.....Respondent

Through: **Ms. Ankita Sarangi, Advocate.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.01.2025

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1. By way of present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of an Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Construction Agreement/Letter of Award dated 07.03.2016, and Clause 25 (i) of the same stipulates resolution of disputes through arbitration. He further states that disputes having been arisen between the parties, a notice dated 18.08.2023 was issued by the petitioner under Section 21 of the A&C Act, to which response has been received on 01.11.2023.
3. Learned counsel for the respondent submits that the petitioner has already issued an undertaking that full and final payment has been received by him, to which learned counsel for the petitioner submits that the disputes are with respect to the additional work carried out and the said undertaking



does not cover the subject claims.

4. Be that as it may, considering that the parties are at variance, the disputes having been arisen, I am of the considered opinion that the appropriate course would be to refer the parties to appoint an arbitrator to adjudicate upon the disputes. Consequently, the petition is disposed of with the following directions:-

- i. The disputes between the parties under the said agreement are referred to the Arbitral Tribunal.
- ii. Mr. Shashank Dewan, Adv (Mobile No: 9999130505) is appointed as the Sole Arbitrator, to adjudicate the disputes between the parties.
- iii. The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms Schedule of fees maintained by DIAC or as the parties may agree.
- iv. The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act, prior to entering into the reference.
- v. The parties shall approach the learned Arbitrator within two weeks from today.
- vi. It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claims/counter-claims, any other preliminary objection, as well as claims on merit of the disputes of either of the parties, are left open for adjudication by the learned Arbitrator. Further, the respondent



shall be at liberty to raise counter-claims, if any.

MANOJ KUMAR OHRI, J

JANUARY 22, 2025/rd