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

+ **ARB.P. 1083/2024**

TARA CHAND SUMIT CONST. CO.Petitioner

Through: Ms. Stuti Jain, Mr. Akshu Jain and
Ms. Vishwa Bharti, Advocates.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Mr. Anish Dhingra, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **16.05.2025**

1. This petition is filed on behalf of the Petitioner under Section 11(6) of Arbitration and Conciliation Act, 1996 ('1996 Act') for appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
2. Factual matrix to the extent necessary is that Respondent awarded the work of N.O.W. D/O 472.40 Hact. of land in Rohini Ph-III, SH: C/O 30.0 Mtr. R/w Master plan Road in Sector -22 (Balance 63.0 Mtr. length) to the Petitioner and thereafter a formal Agreement was executed between the parties on 21.04.2010. Stipulated dates of start and completion of the work were 01.05.2010 and 31.08.2010, respectively.
3. Disputes arose between the parties in respect of the said Agreement and on request of the Petitioner, Executive Member, DDA appointed a Sole Arbitrator, who resigned due to his transfer and subsequently, a new Arbitrator was appointed but he too resigned. On 04.03.2015, third Arbitrator was appointed who rendered the award on 21.03.2017. Aggrieved



by the Arbitral Award dated 21.03.2017, Petitioner filed objections under Section 34 of the 1996 Act before the learned Additional District Judge, South West District, Dwarka Courts in ARBTN No. 94/2019 (07/2019). The award was set aside by the Court vide judgment dated 11.09.2020 primarily on the ground that the Arbitrator had not decided the application under Section 12 of the 1996 Act.

4. Petitioner thereafter invoked the arbitration clause 25 on 16.04.2021 and requested Engineer Member, DDA to appoint a Sole Arbitrator, however, there was no response or action by DDA and upon failure of the Respondent to act, Petitioner has approached this Court.

5. Learned counsel for the Petitioner submits that this is a second round of litigation between the parties and the prime reason why the earlier arbitral award was set aside was because the Arbitrator had not decided the application under Section 12 of the 1996 Act. Therefore, there is no dispute between the parties on the existence of the arbitration agreement and this Court may appoint a Sole Arbitrator.

6. Mr. Anish Dhingra, learned counsel for DDA fairly submits that the Respondent does not dispute the existence of the arbitration agreement and this Court may appoint a Sole Arbitrator.

7. Accordingly, with the consent of the parties, Coordinator, Delhi International Arbitration Centre ('DIAC') is requested to appoint a 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.



8. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.
9. 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.
10. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

MAY 16, 2025/RW/Shivam