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

+ ARB.P. 1415/2025

M/S VED PRAKASH MITHAL AND SONS A
PARTNERSHIP FIRM

.....Petitioner

Through: Mr. Amit Punj, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH
ITS COMMISSIONER

.....Respondent

Through: Mr. Rakesh Malhotra, Mr. Bharat
Malhotra and Ms. Smritika Kesri,
Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
27.10.2025

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1. This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 [hereinafter 'the Act'], seeking appointment of an Arbitrator for adjudication of disputes between the parties arising out of a Work Order No. D/EE(PR)-I Shah (N)/SYS/19- 20/10 dated 10th July, 2019 (hereinafter 'the Agreement').

2. Counsel for the petitioner submits that the Agreement contains an arbitration clause, i.e. Clause 25, which provides for adjudication of disputes arising between the parties by way of arbitration.

3. Counsel for the petitioner further submits that since there were disputes between the parties, the petitioner sent several notices including the notice dated 19th May, 2025 to the respondent invoking the aforesaid

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arbitration clause under Section 21 of the Act.

4. The respondent failed to appoint an Arbitrator for adjudication of the disputes between the parties.

5. Notice was issued in the petition on 10th September, 2025 and two weeks' time was granted to the respondent to file a reply.

6. No reply has been filed on behalf of the respondent.

7. Accordingly, the dispute between the parties under the Agreement is referred to the Arbitral Tribunal comprising a Sole Arbitrator. The following directions are issued in this regard:

- a. Justice (Retd.) Asha Menon (Mobile No.: +91-9910384664) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- b. The arbitral proceedings shall be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter '**DIAC**').
- c. The remuneration of the Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
- d. The Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference. In the event there is any impediment to the Arbitrator's appointment on that count, the parties are given liberty to file an appropriate application before this Court.
- e. The parties shall approach the Arbitrator within two (2) weeks from today.

8. It is made clear that all the rights and contentions of the parties, including the arbitrability of any of the claims and/ or counter claims, any



other preliminary objections as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the Arbitrator.

9. The petition stands disposed of in the aforesaid terms.

10. All pending applications stand disposed of.

11. Needless to state, nothing in this order shall be construed as an expression of this Court on the merits of the case.

AMIT BANSAL, J

OCTOBER 27, 2025

Vivek/-