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

+ **ARB.P. 1586/2025**

M/S SUNRISE ENTERPRISESPetitioner

Through: Mr. A.K. Jha, Advocate.

versus

**IRRIGATION AND FLOOD
CONTROL DEPARTMENT**

.....Respondent

Through: Mr. Raghvendra Upadhyay,
Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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13.11.2025

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, (hereinafter 'Act') seeking appointment of a Sole Arbitrator for the adjudication of the disputes between the parties arising out of an Agreement, which was awarded *vide* letter dated 4th August, 2022 [hereinafter 'Agreement'].
2. In terms of the aforesaid Agreement, the petitioner was awarded a contract for providing and fixing round table benches at various locations in the Model Town Assembly Constituency by the respondent.
3. The Agreement contains an arbitration clause, *i.e.* Clause 25, which provides for adjudication of disputes arising between the parties by arbitration. It is stated that the place of arbitration was fixed by the parties at New Delhi upon mutual agreement and the position of the parties, who have



signed the agreement.

4. Since there were disputes between the parties on account of non-payment of the bills raised, the petitioner issued a notice dated 9th November, 2024, invoking the aforesaid arbitration clause under Section 21 of the Act. However, the respondent failed to respond to the said notice.

5. In these circumstances, the petitioner has been constrained to approach this Court by way of the present petition.

6. Notice in the present petition was issued by order dated 25th September, 2025 and two (2) weeks' time was given to the respondent to file reply to the petition.

7. However, no reply has been filed on behalf of the respondent. remove

8. Counsel for the respondent submits, on instructions from the respondent Department, that he has no objection if an Arbitrator is appointed by this Court.

9. 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. Mr. Vivek Gupta, Advocate (Mobile No.: +91-9811088027), is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- b. The remuneration of the Arbitrator shall be in terms of Schedule IV of the Act.
- c. 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.

d. The parties shall approach the Arbitrator within two (2) weeks from today.

10. 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.

11. The petitions stand disposed of in the aforesaid terms.

12. All pending applications stand disposed of.

13. 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

NOVEMBER 13, 2025

Vivek/-