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

+ **ARB.P. 1915/2024**

M/S ALPHA SERVICES

.....Petitioner

Through: *Appearance not given*

versus

BHARAT HEAVY ELECTRICALS LIMITED

.....Respondent

Through: Mr Aditya Verma, Mr K Rigved
Prasad, Mr Samar Singh, Ms Parkhi
Rao, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

27.02.2025

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1. The Petitioner has approached this Court under Section 11(6) of the Arbitration & Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the Petitioner and the Respondents herein under the work orders dated 18.05.2017 & 03.02.2018.

2. It is stated that under the said work order the Petitioner was awarded the work of supply of cranes, erection and commissioning of cranes at various project sites of the Respondent. It is stated that disputes arose between the Petitioner and the Respondent due to non-payment of dues by the Respondent to the Petitioner herein. It is stated that the Petitioner herein sent a Notice dated 06.06.2024 invoking Arbitration under Section 21 of the Arbitration Act in terms of Clause 32 of the GCC. It is stated that on the date



of issuance of Notice under Section 21 of the Arbitration Act, Rs.4,55,938/- was due and payable by the Respondent towards main supply and Rs.4,56,457/- was due and payable by the Respondent towards the bank guarantee. It is stated that since the Respondent failed to reply to the notice invoking Arbitration, the Petitioner has approached this Court by filing the present Petition.

3. Notice in the present Petition was issued on 12.12.2024. On 19.02.2025, learned Counsel appearing for the Respondent sought some time to get instructions. It is stated by the learned Counsel for the Respondent that since the amount under dispute is meager, the disputes can be settled amicably. However, learned Counsel appearing for the Petitioner states that settlement talks have failed once and, therefore, an Arbitrator be appointed to adjudicate on the disputes.

4. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the Agreement, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.

5. Accordingly, Ms. Manashwy Jha, (Mob: 9013980691) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

6. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

7. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act within a week of entering on reference.

8. All rights and contentions of the parties in relation to the



claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

9. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

10. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 27, 2025

Rahul