

(2022) 04 DEL CK 0191

Delhi High Court

Case No: Arbitration PetitionNo. 165 Of 2022

M/S Pradeep Vinod
Construction Co.

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision: April 26, 2022

Acts Referred:

- Arbitration And Conciliation Act, 1996 - Section 12, 34

Citation: (2022) 04 DEL CK 0191

Hon'ble Judges: Sanjeev Sachdeva, J

Bench: Single Bench

Advocate: S.W. Haider, Om Prakash

Final Decision: Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks appointment of an Arbitral Tribunal pursuant to a Contract Agreement dated 05.09.2013.

2. Learned counsel for the petitioner submits that the disputes arising out of the said agreement were referred to an Arbitral Tribunal and the Arbitral

Tribunal rendered an award dated 01.10.2018.Ã,

3. Learned counsel submits that the objections to the award were sustained and the award was set aside by order dated 06.10.2021.Ã, In those

circumstances, fresh arbitration has been invoked and accordingly the disputes are required to be referred to an Arbitral Tribunal.

4. Learned counsel for the respondent prays for an adjournment. He submits that reply has been drafted and sent for signatures.

5. It is observed that the notice was issued on 10.02.2022 and thereafter on 14.03.2022 respondent had appeared and sought time to file reply and the

permission was granted and the reply was to be filed within three weeks. However, till date reply has not been filed.

6. Furthermore in view of the fact that the parties were earlier referred to arbitration and even an award was passed, though set aside under Section

34 of the Arbitration & Conciliation Act, 1996. It is a fit case where reference should once again be made to an Arbitral Tribunal.

7. In view of the above, with the consent of the parties, Mr. Vinod Jain, former District Judge, Punjab (Phone # 91 94681 78585) is appointed as the

Arbitrator Tribunal. The Arbitral tribunal shall entertain the claims and counter claims, if any, of the parties.

8. The fees of the learned Arbitrator shall be as per the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

9. The Arbitrator shall furnish the requisite disclosure under section 12 of the Arbitration and Conciliation Act, 1996 within two weeks of entering

reference.

10. The petition is disposed of in the above terms.