
(2013) 04 DEL CK 0331

In the Delhi High Court

Case No : Arbitration Petition No. 426 of 2012

M/s. Star Forms

APPELLANT

Vs

Staff Selection Commission

RESPONDENT

Date of Decision : 12-04-2013

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 11(6)

Citation : (2013) 04 DEL CK 0331

Hon'ble Judges : Manmohan Singh, J

Bench : Single Bench

Advocate : Durgesh Gupta, for the Appellant; Baldev Malik and Mr. Arjun Malik, for the Respondent

Final Decision : Disposed Off

Judgement

Manmohan Singh, J.—The petitioner has filed the present petition u/s 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator. Brief facts as culled out from the petition are that the petitioner is a registered partnership firm and is engaged in the business of printing and supplying of various types of stationery and printed forms. The respondent had floated a tender notice dated 5th November, 2009 for printing and supply of OMR/ICR sheets and for double scanning/processing of OMR answer sheets. Pursuant to the offer letters of the petitioner dated 30th November, 2009 and 22nd March, 2010, the respondent had accepted the bid of the petitioner and issued the Work Order bearing No. 4/1/2008-C. I/II dated 4th May, 2010 in favour of the petitioner, on the certain terms and conditions stipulated therein.

2. It is further submitted that clause (xvi) of the Work Order stipulated the payment terms by the respondent. However, some disputes arose between the parties regarding payment process, as on 23rd December, 2011, the petitioner was orally informed that the respondent had made deductions of Rs. 7,49,500/- on account of some penalties imposed on the petitioner. The petitioner objected to it and wrote a letter dated 26th December, 2011 to the respondent, stating

therein that such deductions made by the respondent were not as per the terms and conditions of the contract/Work Order. However, the respondent chose not to reply to the same. The petitioner wrote a number of letters dated 31st January, 2012, 11th February, 2012, 14th February, 2012 and thereafter on 16th February, 2012 to the respondent in this regard, but to no effect.

3. It is also submitted that as per the statement of account, the respondent was liable to pay a sum of Rs. 18,63,813/- to the petitioner. The Work Order in question contained an Arbitration clause and as such, the petitioner taking recourse to the arbitration, under the provisions of the Arbitration and Conciliation Act, 1996, invoked the arbitration clause and vide its letter dated 1st March, 2012 lodged its claim petition with the sole Arbitrator, i.e. the Chairman, Staff Selection Commission. However, the respondent failed to revert back and as such, the petitioner was compelled to send a reminder letter dated 7th May, 2012. After a considerable delay, the respondent sent a letter thereby fixing the first date of hearing for conduct of arbitration as 3rd August, 2012. Even on said date, the respondent was not available for conducting arbitration, citing some official assignment. The petitioner again sent letters dated 9th August, 2012 and thereafter on 14th August, 2012 to the respondent requesting it to expedite the conduct of arbitration, however, till date, no date has been fixed for conducting arbitration. Hence, the present petition.

4. Reply was filed by the respondent in the form of affidavit of Sh. Mahli Minz, working as Under Secretary in the Ministry of Personnel, Public Grievances & Pensions, Staff Selection Commission, New Delhi. After small hearing, learned counsel for the parties agree for appointment of a sole independent Arbitrator by this Court to adjudicate the disputes between the parties.

5. Accordingly, Justice Aruna Suresh (Retd.), B-230, Greater Kailash 1, New Delhi-110 048, Mob. 9560044401, is appointed as a sole Arbitrator to adjudicate the disputes between the parties. The fees of the learned Arbitrator shall be payable according to the schedule of fees fixed by Delhi High Court Arbitration Centre under its rules. Both the parties are granted liberty to file their claims and counter claims before the learned Arbitrator in accordance with law. The petition is disposed of. A copy of the order be communicated to the learned sole Arbitrator. Copy of the order be given dasti to the learned counsel for the parties.