

(2018) 10 DEL CK 0337

In the Delhi High Court

Case No : Original Miscellaneous Petition(COMM) 43 OF 2017

V.K. Dewan & Co

APPELLANT

Vs

Delhi Jal Board & Ors

RESPONDENT

Date of Decision : 16-10-2018

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 31, 34, 38

Citation : (2018) 10 DEL CK 0337

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Final Decision : Diposed Off

Judgement

,

Prathiba M. Singh, J",

1. Present petition under Section 34 of the Arbitration and Conciliation Act, 1996 challenges the award dated 18th June, 2008 passed by the learned",

Sole Arbitrator.,

2. Brief background is that the Petitioner was awarded a work order No./Supply order No. F8(5) EE(W)C-VII/2000/1497 dated 7th August, 2000.",

Completion certificate was given to the Petitioner on 1st March, 2005. Disputes arose between the parties and a Sole Arbitrator was, accordingly",

appointed on 16th December, 2005. Petitioner had challenged the appointment of Arbitrator before this Court. However, the Petitioner chose to",

withdraw the said challenge on 20th September, 2007 in OMP No.154/2006. The matter remained pending before the learned Arbitrator for some",

time.,

3. On 14th January, 2008, the Petitioner wrote a letter on the letterhead of the

Petitioner firm, withdrawing his claims in the following terms."

â?? Dated:14.1.2009,

Shri Surinder Gandotra,"

Sole Arbitrator,"

115, Palika Bazar, Connaught Place,"

New Delhi-110001,

In the matter of arbitration between:,

V.K. Dewan & Co.,"

MD-67, Vishakha Enclave,"

Pitampura, Delhi-110088",

v/s,

Delhi Jal Board,"

(thru) Executive Engineer,

Jal Sadan, Shiv Mandir Marg,"

Lajpat Nagar, Phase-11",

New Delhi-1100,

In regard to: Construction of under ground reservoir and booster pumping station at SurajMal Vihar, Trans-Yamuna, Delhi",

(Contract agreement no.: 8 of 2000...),

In the aforesaid matter, without prejudice to his right",

to agitate elsewhere, the claimant contractor",

withdraws all his claims.,

Copy to:,

Delhi Jal Board,

(thru) Executive Engineer,

Jal Sadan, Shiv Mandir Marg",

Lajpat Nagar, Phase-11",

New Delhi-1100â??,

4. Since the Petitioner withdrew the claims before the Arbitrator, the Arbitrator awarded costs. Operative portion of the award, by which costs have",

been awarded in favour of the Respondent, reads as under:",

â?? I Surinder Gandotra arbitrator make and publish this award and hereby direct that M/s. V. K. Dewan & Co should pay a sum of Rs.5,00,000/- to",

the Chief Executive Delhi Jal Board forthwith + Rs.3,00,000/-towards cost of litigation in the court of Arbitrator, and cost of litigation in Delhi High",

Court incurred by them + Rs.1,91,550/- as arbitration fee for both the parties M/s Delhi Jal Board and M/s. V. K. Dewan & Co under Section 31 &",

38 of Arbitration and Conciliation Act 1996. Now the total amount to be paid by M/s. Dewan & Co. come to Rs.9,91,550/-. Thus M/s. Dewan & Co.",

has to pay a sum of Rs.9,91,550/- (Rupees Nine Lacs Ninety One Thousand Five Hundred Fifty only) to Delhi Jal Board within a period of 1 month",

from the date of order and incase M/s. V. K. Dewan & Co. fails to pay this amount of Rs.9,91,550/- the Delhi Jal Board will be entitled to recover",

and interest of 15% on this amount from M/s. Dewan & Co. till its full realization of the amount Rs.9,91,550/- (Rupees Nine Lacs Ninety One",

Thousand Five Hundred Fifty only.) â??,

Arbitration Fee,"Rs. 60,000

Based on the claim of M/s.

Dewan & Co. including interest

right from the beginning of the

contract till the end of the

contract and interest on delayed

payments made by Delhi Ja

Board to the contractor.","Rs. 55,000

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Administrative Fee,"Rs. 30,000

,"Rs. 30,000

TOTAL,"Rs. 1,75,000

Towards conveyance charges

@ Rs. 750/- per hearing and

total hearing in this case were

around 20","Rs. 16,550

Grand Total,"Rs. 1,91,550