**No party can be permitted to unilaterally appoint an Arbitrator, as it would defeat the purpose of unbiased adjudication: High Court of Delhi**

Unilateral appointment of Arbitrator by the respondent is rejected, as no party can be permitted to unilaterally appoint an Arbitrator, as the same would defeat the purpose of unbiased adjudication of dispute between the parties as upheld by the **Hon’ble High Court of Delhi** through the learned bench led by **Justice Suresh Kumar Kant** in the case of **Sivanssh Infrastructure Development Pvt. Ltd. v. Army Welfare Housing Organization (ARB.P. 830/2021)**

The brief facts of the case are that in December, 2015, respondent invited bids for development of a Residential Complex to be spread over an area of 3.57 acres (approx.) for construction of 220 dwelling units to be constructed in 5 Towers located at Sector-6A, Vrindavan Awas Yojna, Lucknow, to which petitioner had submitted its bid, which was accepted by the respondent vide Acceptance Letter dated 02.06.2016. The total value of the awarded project/Contract Price according to petitioner was Rs.100,59,48,977.35. Further, as per Work Order dated 28.06.2016 issued by the respondent, petitioner was instructed to commence the work at the Site on the even date with a Completion Period of 30 months expiring on 27.12.2018. However, since respondent failed to handover the site to the petitioner, a Revised Work Order dated 19.06.2017 was issued by the respondent, for petitioner to commence the project on 12.08.2016 with the Completion Date as 11.02.2019. Thereafter, certain disputes arose between the parties with regard to handing over of the dwelling units, issuance of completion certificate, defects liability period, release of bank guarantees furnished by the petitioner etc. The present petition has been filed by petitioner seeking appointment of Sole Arbitrator under the provisions of Sections 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996.

After hearing the learned counsels, the Hon’ble High Court held, “*The afore-noted dictum of Hon’ble Supreme Court in* ***Perkins Eastman****, has been followed by Coordinate Benches of this Court in* ***Proddatur Cable Tv Digi Services Vs. Siti Cable Network Limited*** *and* ***VSK Technologies Private Limited and Others Vs. Delhi Jal Board*** *in unequivocal terms. In view of the above, the present petition is allowed. Accordingly, Mr. Justice (Retd.) B.D.Ahmed (Mobile: 7042205786) is appointed sole Arbitrator to adjudicate the dispute between the parties. The arbitration shall be conducted under the Delhi International Arbitration Centre (DIAC).”*