

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Arb.P. (J2) No. 2 of 2022

M/s. K. Pro Infra Works Private Limited, having its registered office at 704, Nilgiri Apartment, 9, Barakhamba Road, P.O. & P.S. Barakhamba, New Delhi- 110001.

....Petitioner

- Versus -

1. The Loktak Development Authority, represented by Member Secretary/ Project Director, Loktak Development Authority, Second Floor, Susu Home, Opposite to the First Manipur Rifles, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur- 795001.
2. The Surveyor of Works, Loktak Development Authority, 2nd floor, Susu Home, Opposite to the First Manipur Rifles, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur- 795001.
3. Superintending Engineer, Loktak Development Authority, 2nd floor, Susu Home, Opposite to the First Manipur Rifles, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur 795001.
4. Executive Engineer, Loktak Development Authority, 2nd floor, Susu Home, Opposite to the First Manipur Rifles, Babupara P.O. & P.S. Imphal, Imphal West District, Manipur 795001.

...Respondents

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR

For the petitioner : Mr. Ch. Momon, Advocate;
Mr. P. Mohith Reddy, Advocate

For the respondents : Mr. H. Kenajit, Advocate
Mr. Albert Keisham, Advocate

Date of Hearing : 27.01.2023

Date of Judgment & Order : 31.01.2023

JUDGMENT AND ORDER

[1] By judgment and order dated 16.10.2019 passed in Arbitration Petn.(J2) No. 2 of 2014, this Court appointed Hon'ble Mr. Justice Asok Potsangbam (Retd.), Gauhati High Court, as the Sole Arbitrator to adjudicate the disputes between the parties arising out of the Agreement dated 02.11.2009 entered into for execution of certain Phumdi management works. While so, Hon'ble Mr. Justice Asok Potsangbam (Retd.) passed away on 20.04.2022 before completion of the arbitration proceedings. In view thereof, the petitioner is before this Court once again under Section 11(6) read with Section 15 of the Arbitration and Conciliation Act, 1996, praying for substitution and appointment of a Sole Arbitrator.

[2] Heard Mr. Ch. Momon and Mr. P. Mohith Reddy, learned counsel appearing for the petitioner; and Mr. Albert Keisham, learned counsel, representing Mr. H. Kenajit, learned counsel for the respondents.

[3] As the Sole Arbitrator appointed earlier expired before conclusion of the arbitration proceedings and as it is stated that the claims of the petitioner, arising under the subject agreement dated 02.11.2009, would be in the range of ₹. 112 Crore, it would be appropriate that a former learned Judge of the Supreme Court undertakes and continues the arbitration proceedings to settle the disputes between the parties.

Hon'ble Mr. Justice Navin Sinha (Retd.), Supreme Court of India, presently residing at 19, Cedar Crest, Nirvana Country, Sector 50, South City Phase 2, Gurugram-122018 (email : justicesinhaoffice@gmail.com, Mobile : +919973093499) is accordingly appointed as the Sole Arbitrator to continue the arbitration proceedings and complete the same in accordance with law. Further, as the former Sole Arbitrator passed away on 20.04.2022 and the arbitration proceedings remained stalled

thereafter, the period of time from 20.04.2022 till the date of the first arbitration hearing by the newly appointed Sole Arbitrator shall be excluded while reckoning the time stipulated under Section 29-A of the Arbitration and Conciliation Act, 1996, for making of the arbitration award. The proceedings of the arbitration and all other matters incidental thereto shall be governed by the provisions of the Arbitration and Conciliation Act, 1996.

FR/NFR
Indrajeet

CHIEF JUSTICE