

Court No. - 9

Case :- CIVIL MISC. ARBITRATION APPLICATION No. - 7 of 2023

Applicant :- Jai Prakash Tripathi

Opposite Party :- Superintending Engineer, Irrigation Works Circle And Another

Counsel for Applicant :- Dileep Kumar Mishra, Sudesh Kumar Pandey

Hon'ble Rohit Ranjan Agarwal, J.

This application under Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter called as "Act of 1996") has been filed seeking substitution of Arbitrator.

A short counter affidavit has been filed on behalf of opposite party wherein it has been stated that an award has already been made on 21.09.2023, a copy of which has been brought on record as Annexure SCA-1. Against the said short counter affidavit, a rejoinder affidavit has been filed wherein in para 18 the contents of para 3 of the short counter affidavit has not been denied and it has been stated that it is matter of record.

Once the applicant himself is admitting that an award is made by the Arbitrator, no application under Section 15 of Act of 1996 for substitution of Arbitral Tribunal is maintainable. The only remedy left to the applicant is to challenge the award under Section 34 of the Act of 1996.

The application under Section 15 of the Act of 1996 is misconceived and is hereby dismissed.

Order Date :- 24.11.2023

Kushal