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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 554/2014

M/S ANGAD ESTATES PVT LTD Petitioner
Through Mr.Rishi Bhatnagar, Adv.

versus

M/S JMD PROMOTERS LTD Respondent
Through Mr.Shrikant Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

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08.02.2016

I.A. No.19271/2015 (u/s 151 CPC for substitution of Arbitrator, by petitioner)

By order dated 30th January, 2015, sole Arbitrator was appointed to adjudicate the disputes between the parties including their claims and counter-claims. It was specifically mentioned in the order that the arbitration would take place under the aegis of the Delhi International Arbitration Centre and the fees of the learned Arbitrator would be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

Learned counsel for the petitioner states that the respondent is not prepared to pay the fee of the Arbitrator as per the Rules. Counsel has produced the copy of the order passed by the sole Arbitrator on 16th November, 2015. The contents of the said order are reproduced here as below:-

"The Counsel for the Claimant submits that they have moved an application before the Hon'ble High Court stating

therein that they cannot afford to pay the arbitrator's fees according to the rules of Delhi International Arbitration Centre due to financial difficulties. He has further submitted that if the present arbitrator is prepared to accommodate them then they will make a statement before the Hon'ble High Court and the arbitration matter will continue with the present arbitrator. The next date of hearing before the Hon'ble High Court is 8th January, 2016. I have no objection to continue with the present arbitration matter and I will accommodate the Claimant on the point of arbitration fees.

To come up on 13.01.2016 at 2 PM for further proceedings.

Sd/-
(S.L.BHAYANA)
SOLE ARBITRATOR
16.11.2015"

In view of the consent, the Arbitrator is directed to proceed accordingly. The parties to appear before the learned Arbitrator on 10th February, 2016 the date already fixed.

The application is accordingly disposed of.

Copies of this order be given *dasti*, to the learned counsel for the parties, under the signatures of the Court Master.

FEBRUARY 08, 2016/ka

MANMOHAN SINGH, J.