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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P. (T) (COMM.) 2/2016

K.K. RADHU & ANR Petitioners
Through Mr.Alok Kumar, Adv. with
Mr.Abhishek Paruthi & Mr.Parth
Awasthi, Advs.

versus

RAKESH MISHRA & ANR Respondents
Through None

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **02.09.2016**

Notice in the abovementioned petition was issued. Reply has been been filed.

The parties had earlier consented themselves to appoint Mr.Subhash Rustagi, Chartered Accountant, as sole Arbitrator in the matter. The said Arbitrator has refused to continue with the proceedings. The reasons for the same are given in para 10 of the order dated 17th June, 2015 passed by the Arbitrator. Thus, the present petition has been filed by the petitioners under Section 15 of the Arbitration and Conciliation Act, 1996 for substitution of the sole Arbitrator.

No one appears on behalf of the respondents when the matter is taken up. Learned counsel for the petitioners states that inspite of the suggestion of another name to be provided, let this Court may appoint the substitute sole Arbitrator to decide the disputes between the parties.

In view of the averments made in the petition and the documents placed on the record, I am of the view that the prayer of this petition ought to be allowed. Ordered accordingly. Mr.Pradeep Chaddah, Retired District & Sessions Judge (R/o 37/29, East Patel Nagar, New Delhi-110008, Mobile No.9910384665) is appointed as substitute sole Arbitrator in place of the earlier Arbitrator, to adjudicate the disputes between the parties as mentioned in the present petition. The parties are also allowed to file their respective claims and counter-claims before the Arbitrator. Liberty is granted to the respondent to raise all the grounds as mentioned in the reply to the petition.

The arbitration shall take place under the aegis of Delhi International Arbitration Centre ('DAC'). The Arbitrator shall ensure the compliance of the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fees of the learned Arbitrator shall be in terms of the schedule of the amended Act. The parties to appear before the Arbitrator on 22nd September, 2016 at 4.00 p.m. for directions.

The petition is accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the petitioners and a copy thereof be delivered to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

I.A. Nos.8935/2016 & 8889/2016 (for waiver of cost, by respondent)

The main petition has already been disposed of. No one appears on behalf of the applicant/respondent when the matter is taken up. Under these circumstances, the present applications are dismissed in default.

MANMOHAN SINGH, J.

SEPTEMBER 02, 2016/ka