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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 433/2016

HARPAL SINGH

..... Petitioner

Through: Ms. Astha Sharma, Advocate.

versus

PREM AGGARWAL

..... Respondent

Through: None.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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18.10.2016

1. The affidavit of service encloses the tracking report of the courier agency which shows that the packet was delivered to the Respondent. The Respondent is, accordingly, taken to have been served.

2. None appears for the Respondent.

3. The learned Arbitrator who was dealing with the matter has since expired without passing any final Award. Therefore, in terms of the alternative prayer made, a new Arbitrator has to be appointed.

4. It is seen from the order dated 7th March, 2015 passed by the learned Arbitrator that the final Award remains to be passed and for that purpose a hearing has to take place.

5. Learned counsel for the Petitioner points out that although the keys of the premises have been handed over to the Petitioner, the formalities for

conversion of the property from leasehold to freehold are held up because the final Award has not been passed.

6. In the circumstances, the Court directs that in the place of the Arbitrator who was dealing with the matter and who has since expired, the Court appoints Mr. Padam Kant Saxena, a former Additional District Judge, Delhi (Mob. No. 9910384668) as sole Arbitrator to adjudicate the remaining issues between the parties. The learned Arbitrator will continue the proceedings from the stage at which they were at the time of expiry of the previous Arbitrator. Mr. Saxena, the learned Arbitrator, will fix his own fees and terms and communicate them to the parties. The fees and expenses will be shared by the parties equally.

7. The matter is fixed for a preliminary hearing before the learned Arbitrator on 5th December, 2016 at 3.30 pm. It will be the responsibility of the Petitioner to ensure that the complete arbitral record is collected from the office of the earlier Arbitrator and placed before the new Arbitrator. The Arbitrator now appointed will proceed in the matter after service of notice upon the Respondent. The requirements of the Arbitration and Conciliation Act, 1996 as amended with effect from 23rd October, 2015 shall be complied with.

8. The petition is disposed of in the above terms. A copy of this order be communicated to the learned Arbitrator forthwith.

S. MURALIDHAR, J

OCTOBER 18, 2016

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