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

+ O.M.P. (T) (COMM.) 28/2016

CENTRAL COTTAGE INDUSTRIES CORPORATION OF INDIA
LTD. Petitioner

Through Mr.Avijit Mani Tripathi, Adv. with
Mr.Shaurya Sahai, Adv.

versus

DIRECTORATE GENERAL OF ORDINANCE SERVICE (DGOS)
& ANR. Respondents

Through Mr.Jaswinder Singh, Adv. for R-1.
Mr.Arun Bhardwaj, Adv. with Mr.A.
Sriram, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **02.09.2016**

The present petition has been filed under Section 14(1)(A) and 15(2) of Arbitration and Conciliation Act for termination of the mandate of the sole Arbitrator, being Secretary, Ministry of Defence, Department of Defence Production and Supplies. Earlier the petitioner approached this Court by filing of the petition, being Arb.P. 388/2014, under Section 11(6) of the Act for the appointment of an Arbitrator in view of Clause 22 of the Contract. The said petition was dismissed by order dated 8th August, 2014 as not maintainable. The petitioner thereafter filed the statement of claim before the respondent No.2 on 13th October, 2014. Counsel for the petitioner states that there is no progress after that. The prayer made in the petition is reproduced as under:

“(a) Terminate the mandate of the sole Arbitrator as per

Clause 22 of the Agreement being the Secretary, Ministry of Defence, Department of Defence Production and Supplies in the dispute between the Petitioner and Respondent arising out of Contract A/T A/21500/DGOS/OS-PII/Proc Sec/TE/ 016/LTI/1558 dated 5th August, 2005;

(b) Direct the Secretary, Ministry of Defence, Department of Defence Production and Supplies to appoint a substitute arbitrator in terms of Clause 22 of the Contract A/T A/21500/DGOS/OS-PII/Proc Sec/TE/ 016/LTI/1558 dated 5th August, 2005;

(c) Appoint substitute arbitrator in place of named arbitrator;

(d) refer the claims of the petitioner to the substitute Arbitrator to be appointed by Secretary, Ministry of Defence, Department of Defence Production and Supplies;

(e) award to the petitioner cost of the present proceedings;”

Counsel for the petitioner states that the petitioner would be satisfied if the prayer be granted. The arbitration proceedings are terminated. Under these circumstances, the Secretary, Ministry of Defence, Department of Defence Production and Supplies, is requested to appoint the substitute arbitrator in terms of Clause 22 of the Contract A/T A/21500/DGOS/OS-PII/Proc Sec/TE/ 016/LTI/1558 dated 5th August, 2005 and refer the claim of the petitioner to the substitute arbitrator so appointed. The appointment shall be made within six weeks as last opportunity.

The petition is accordingly disposed of.

MANMOHAN SINGH, J.

SEPTEMBER 02, 2016/jk