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

+ ARB.P. 293/2016

GORKHA SECURITY SERVICES Petitioner
Through: Mr. Mridul Jain, Adv.

versus

PRINCIPAL ITI JAIL ROAD EXTEN. Respondent
Through: Mr. Sanjoy Ghose, ASC with
Ms. Pratishtha Vij, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **11.05.2016**

IA 5902/2016

Exemption allowed subject to all just exceptions.

Application stands disposed of.

ARB.P. 293/2016

1. This is a petition Under Section 11(6) of the Arbitration and Conciliation Act, 1996 with the following prayers:

*“(i) appoint a suitable person to act as Sole Arbitrator to adjudicate the disputes between the parties and
(ii) pass such other and/or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”*

2. Learned counsel for the petitioner states that vide order dated 19th April, 2016 Mr. P.N. Mishra (Retd.) DANICS Officer was appointed as an

Arbitrator but in three petitions between the same parties being Arb.P 70/2016, Arb.P 115/2016 and Arb.P 162/2016, Hon'ble Mr. Justice Manmohan Singh has appointed Mr. O.P. Mishra, working as Additional Secretary (Home), Delhi Government as an Arbitrator in place of Mr. P.N. Mishra. Leaned counsel for the petitioner states that Mr. O.P. Mishra be appointed as Arbitrator in this case as well.

3. On the other hand, Mr. Sanjay Ghose, learned ASC appearing on behalf of the respondent states that once an Arbitrator has been appointed and there is no allegation of bias against Mr. P.N. Mishra, the plea of the petitioner may be not allowed.

4. Noting the submissions made by the counsel for the petitioner that in three connected petitions Mr. O.P. Mishra has been appointed as an Arbitrator, I deem it fit to appoint Mr. O.P. Mishra, working as Additional Secretary (Home), Delhi Government as an Arbitrator in this case as well, to adjudicate the claims and counter-claims, if any, of the parties.

5. The petition is disposed of.

V. KAMESWAR RAO, J

MAY 11, 2016

jg