

\$~50

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

+ O.M.P. (T) (COMM.) 59/2016

TATA POWER DELHI DISTRIBUTION LTD. Petitioner
Through Mr.Manish Srivastava, Adv. with
Mr.Aditya Gupta, Adv.

versus

MANAK CONSTRUCTION PVT LTD Respondent
Through Mr.B.S.Chowdhry, Adv.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **02.09.2016**

I.A. No.10533/2016 (exemption)

Exemption allowed, subject to just exceptions.

The application is disposed of.

O.M.P. (T) (COMM.) No.59/2016 & I.A. No.10532/2016 (for stay)

In October, 2015, disputes arose between the parties. Mr.S.K.Goel was appointed as the sole Arbitrator to adjudicate the disputes between the parties. In January, 2016, the Arbitrator filed the writ petition seeking directions against the petitioner herein to disburse the retirement benefits, i.e. gratuity, leave encashment and pension with consequential benefits. I have been informed that the said writ petition is pending before this Court.

The matter is at the stage of evidence before the Arbitrator. The petitioner has already tendered the evidence. Learned counsel for both the

petitioner and the respondent submit that the arbitration proceedings held by Mr.S.K.Goel be terminated. Even, the respondent has filed the affidavit dated 23rd August, 2016, wherein the respondent has pleaded no objection if another Arbitrator is appointed by the petitioner itself. Learned counsel for the petitioner states that the petitioner will appoint another sole Arbitrator within two weeks from today.

Under these circumstances, the arbitration proceedings, which were pending before Mr.S.K.Goel, are terminated. As agreed, petitioner shall appoint the new sole Arbitrator within two weeks from today. Parties to appear before the new Arbitrator on 5th October, 2016 at 4.00 p.m. It is clarified that the newly appointed Arbitrator will commence the proceedings from the stage from where Mr.S.K.Goel left. Mr.S.K.Goel is directed to hand over the record to the respondent herein, as agreed, in a sealed cover who will then deposit the same with the new sole Arbitrator.

The petition is accordingly disposed of. Pending application also stands disposed of.

MANMOHAN SINGH, J.

SEPTEMBER 02, 2016/ka