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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(T) 23/2015

KIRAN CONSTRUCTION COMPANY

..... Petitioner

Through: Mr. Virender Kumar Sharma,
Advocate.

versus

**BHARTIYA YANTRA NIGAM LIMITED AND
ANR**

..... Respondents

Through: Mr. M.M. Kalra, Advocate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

24.10.2016

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1. It is not in dispute that the learned sole Arbitrator, who is adjudicating the proceedings, has withdrawn from the case thereby causing the vacancy which is required to be filled up by the Court.

2. The Court accordingly, proposes that Mr. V.K. Gupta, former District & Sessions Judge, U.P., residing at E-63, Sector-39, Noida -201303 (Mobile No. 9871124531, 0120-2500519) be appointed as sole Arbitrator to adjudicate the disputes between the parties. The learned Arbitrator will continue from the stage at which the earlier sole Arbitrator withdrew from the case. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre (DAC). In the first instance the proposed Arbitrator will make a disclosure to the DAC in terms of Section 11 (8) read

O.M.P.(T) 23/2015

Page 1 of 2

with Section 12 (1) of the Act and therefore, enter upon reference. DAC will provide to the parties copies of the said disclosure. In the event, the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions.

3. Subject to compliance with the above direction, Mr. Gupta will act as Arbitrator and enter upon reference. The fees of Mr. Gupta will be in terms of the Delhi High Court Arbitration Centre (Arbitrators Fees) Rules.

4. The petition is disposed of. A copy of this order be communicated to Mr. V.K. Gupta as well as Additional Coordinator, DAC forthwith.

S. MURALIDHAR, J

OCTOBER 24, 2016

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