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

+ O.M.P. (T) (COMM.) 78/2016 & IA No.14671/2016

RAJIV CHARAN VERMA

..... Petitioner

Through: Mr Ravi Prakash, Mr Sankalp Jain
and Mr Dhruv Tripathi, Advocates.

versus

ARAVALI INFRAPOWER LIMITED

..... Respondent

Through: Mr Sanjay Kothiyal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **21.12.2016**

1. The petitioner has filed the present petition under Section 14 & 15 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that the mandate of the Arbitrator be terminated and a substitute Arbitrator be appointed to adjudicate the disputes between the parties.
2. The principal grievance of the petitioner stems from the order dated 15.07.2016 passed by the Sole Arbitrator adjourning the arbitral proceedings sine die. The said order was passed in view of the fact that the reference made by the respondent under Section 15 of the Sick Industrial Companies (Special Provisions) Act, 1985 (hereafter SICA) was pending before the Board of Industrial Financial Reconstruction. The Arbitrator held that in view of Section 22(1) of SICA the arbitral proceedings could not continue against the respondent.

3. It is the petitioner's case that arbitral proceedings were included within the purview of Section 22(1) of the SICA as the said proceedings are not for winding up, distress or of a similar nature.

4. The learned counsel for the petitioner submits that notwithstanding the controversy whether the arbitral proceedings are included within the scope of Section 22(1) of SICA, SICA is no longer applies as it stands repealed. And by virtue of the notification dated 25.11.2016 the repeal act has come into force with effect from 01.12.2016. He submits that in view of the aforesaid notification references pending before the BIFR stand abated.

5. He further submits that in view of the change in law, he would be satisfied if the arbitrator is directed to consider the same.

6. In the circumstances, the present petition is disposed of with liberty to the petitioner to approach the Sole Arbitrator for resuming the arbitral proceedings.

7. The petition is disposed of.

VIBHU BAKHRU, J

DECEMBER 21, 2016
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