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

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**O.M.P. (T) (COMM.) 74/2016**

ANEJA CONSTRUCTIONS (INDIA) LTD.

..... Petitioner

Through: Mr. S.K. Jain and Ms. Khushboo  
Bhardwaj, Advocates.

versus

INDURE PRIVATE LIMITED

..... Respondent

Through: None.

**CORAM: JUSTICE S. MURALIDHAR**

**ORDER**

**25.11.2016**

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1. None appears for the Respondent despite service of notice.
2. It is pointed out in this petition that the learned Arbitrator appointed by the order dated 27<sup>th</sup> May 2016 has expressed her inability. It is stated that the learned Arbitrator has informed the Petitioner that she is unable to proceed with the matter since she is holding the office of the Lokayukta of Delhi.
3. In that view of the matter, Mr. Justice B.H. Marlapalle, a former Judge of the Bombay High Court (Mob. Nos.9422212263; 8860621879) is appointed as sole Arbitrator in modification of the orders passed by this Court on 27<sup>th</sup> May 2016 in Arbitration Petition No. 675 of 2015. Justice Marlapalle will ensure compliance with the provisions of the Arbitration and Conciliation Act, 1996 ('Act') as amended with effect from 23<sup>rd</sup> October 2015 before

proceeding with the arbitration.

4. Since the Respondent has not appeared despite service in the present petition, the learned Arbitrator will proceed after service of notice on the Respondent. The fees of the learned Arbitrator will be in terms of the amended schedule to the Act.

5. The Petitioner will appear before Justice Marlapalle on 20<sup>th</sup> December 2016 at 4 pm or such other time and date convenient to the learned Arbitrator which will be communicated to the Petitioner at least 10 days in advance. The venue for the first hearing will be arranged by the Petitioner and communicated to the learned Arbitrator one week in advance. The expenses thereof shall be borne by the Petitioner who is permitted to subsequently claim half of the expenses from the Respondent.

6. The petition is disposed of.

7. A copy of this order be sent to Justice Marlapalle forthwith.

8. Order *dasti*.

**S. MURALIDHAR, J**

**NOVEMBER 25, 2016**  
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