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

+ **O.M.P. (T) (COMM.) 75/2016**

A.B. HOTELS LTD Petitioner
Through: Ms Surekha Raman, Advocate.

versus

AIRPORTS AUTHORITY OF INDIA Respondent
Through: Mr A.P. Vinod, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.11.2016**

1. Issue notice. The learned counsel for the respondent accepts notice.
2. The petitioner has filed the present petition under Section 15 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that an order be passed for appointment of a Sole Arbitrator to adjudicate the disputes between the parties since the Arbitrator appointed earlier had expired.
3. Justice S.K. Mahajan, a former Judge of this Court (since deceased) was appointed as the Sole Arbitrator in compliance of the order dated 14.02.2012 passed by this Court. He has since expired and, therefore, it is necessary that an Arbitrator be appointed in his place. Since Justice S.K. Mahajan was appointed as an arbitrator by the Chairman of the respondent (AAI), his vacancy is also required to be filled by appointment of an arbitrator by the Chairman AAI.
4. Accordingly, it is directed that the Chairman, AAI shall appoint a Sole Arbitrator in place of Justice S.K. Mahajan within a period of 30 days

from today.

5. It is further clarified that the arbitrator so appointed shall continue the proceedings from the same stage as before Justice S.K. Mahajan. In the event the Chairman, AAI fails or neglects to appoint the Sole Arbitrator within a period of 30 days from today, the petitioner is at liberty to approach this Court for appointment of an Arbitrator.

6. The petition is disposed of.

VIBHU BAKHRU, J

NOVEMBER 17, 2016
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