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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (T) (COMM.) 84/2016

SHAPOORJI PALLONJI & CO.PVT. LTD. Petitioner

Through: Mr. Ciccu Mukhopadhyay, Senior
Advocate with Mr. Babit Singh Jamwal and
Mr.Vankat Poonia, Advocates.

versus

GREEN MAX ESTATE PVT. LTD. Respondent

Through: Mr. Kapil Kher and Ms. Harsha,
Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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16.12.2016

IA Nos. 15571/2016 & 15572/2016 (for exemption)

1. Allowed, subject to all just exceptions.

O.M.P. (T) (COMM.) 84/2016

2. This is a petition under Section 15 (2) of the Arbitration and Conciliation Act, 1996 ('Act') seeking the appointment of an Arbitrator in place of late Justice S.K. Mahajan who was the sole Arbitrator.

3. Learned counsel for the Respondent vehemently opposes the prayer on the ground that the Respondent has already appointed an Arbitrator in place of late Justice Mahajan and communicated it to the Petitioner by letter dated 14th December 2016 i.e. two days ago.

4. The learned counsel for the Petitioner, however, points out that present

petition was filed on 2nd December 2016. It appears that the parties were in some settlement talks which obviously failed, leading the Respondent to name the substitute Arbitrator.

5. In the circumstances, the Court does not see any prejudice being caused to the Respondent if the Court appoints an Arbitrator.

6. The Court accordingly appoints Justice R.V. Easwar, a former Judge of this Court, (Mob. No. 9560899997) as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. Justice Easwar will fix his own terms and communicate to the parties. The parties will appear before the Arbitrator on 23rd January 2017 at 4 pm at a venue to be arranged by the Petitioner the expenses whereof will be shared equally by the parties.

7. The arbitration will commence from the stage at which it was before Justice Mahajan. The arbitral record be collected by either party from his residence/office and submitted to the learned Arbitrator now appointed by the Court.

8. If there is any difficulty in implementing this order, it will be open to the parties to apply to the Court.

9. The petition is disposed of in the above terms. A copy of this order be communicated to Justice Easwar forthwith.

S. MURALIDHAR, J

DECEMBER 16, 2016/dn