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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (T) (COMM.) 9/2017

RAKESH KUMAR & CO.

..... Petitioner

Through: Mr. S. W. Haider, Advocate.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Jagjit Singh with Mr. Sukhdev
Singh, Mr. Preet Singh and Ms. Kiran, Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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28.03.2017

1. Despite sufficient opportunities granted for the purpose, learned counsel for the Respondent states that he has not received any instructions.
2. The uncontroverted facts are that the Petitioner invoked the arbitration clause and sought reference of the disputes to arbitration way back in the month of June 2008. The Arbitral Tribunal (AT) was constituted in the year 2009. Yet, till date the arbitration proceedings are at the initial stages.
3. The Court is satisfied that the AT constituted has "failed to act without undue delay" and thereby the condition under Section 14 (1) (a) of the Arbitration and Conciliation Act 1996 stands attracted. Accordingly the Court terminates the mandate of the AT constituted by the Respondent.

4. Both parties state that the Court may appoint a sole Arbitrator to adjudicate the disputes. Accordingly the Court appoints Mr Sanat Kumar, Senior Advocate (Mobile No: 9810295798) as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The arbitration will take place under the aegis of the Delhi International Arbitration Centre (DAC) and the fees of the learned Arbitrator will be governed by the Delhi High Court Arbitration Centre (Arbitrator's Fees) Rules.

5. The parties will appear before the Additional Co-ordinator, DAC at 11 am on 18th April 2017 for further steps.

6. The petition is disposed of in the above terms. A certified copy of this order be delivered forthwith to Mr. Sanat Kumar and the Additional Coordinator DAC.

S.MURALIDHAR, J

MARCH 28, 2017

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