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

+ **ARB.P. 194/2017**

PATEL -KNR (JV)

..... Petitioner

Through: Mr Amit George and Mr Swaroop
George, Advocates.

versus

**NATIONAL HIGHWAYS AUTHORITY OF
INDIA**

..... Respondent

Through: Mr Mukesh Kumar and Ms Gunjan
Sinha Jain, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.03.2017

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an Arbitrator be appointed.
2. The petitioner submits that an Arbitral Tribunal had been constituted, which had conducted the arbitral proceedings. He submits that the last hearing was held on 20.12.2014 and on that date the Arbitral Tribunal had reserved the matter for making the award. On 10.10.2016, almost two years, thereafter, Mr Mahesh Chandra, the Arbitrator nominated by the respondent, had resigned and admittedly another Arbitrator has not been nominated in his place. In the circumstances, an Arbitrator is required to be appointed to reconstitute the Arbitral Tribunal.
3. The learned counsel for the respondent, on instructions, suggests that Mr M. K. Aggarwal, (Retired) Chief Engineer, PWD, Haryana Government

be appointed as the respondent's nominee Arbitrator.

4. There is no objection to the said suggestion. Accordingly, Mr M. K. Aggarwal, (Retired), Chief Engineer, PWD, Haryana Government is appointed as an Arbitrator in place of Mr Mahesh Chandra.

5. Ms Jain, learned counsel for the respondent submits that that the arbitral tribunal so constituted should proceed from the same stage as existing on 10.10.2016 (the date of resignation of the respondent's nominee arbitrator)

6. It is seen that the Arbitral Tribunal had heard the matter more than two years ago and, therefore, it may be necessary for the Arbitral Tribunal to re-hear the parties. However, the parties should endeavour to shorten the time taken in making submissions and assist the Arbitral Tribunal in concluding the hearing as expeditiously as possible and preferably within a period of three months from today.

7. The parties may also consider leaving certain issues to be decided by the Arbitral Tribunal without any further oral hearing.

8. The above observations should not be construed as curtailing the rights of the parties in any manner; but only as a suggestion for expeditious disposal of the matter in these peculiar facts and circumstances of the case.

9. The petition is disposed of.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MARCH 15, 2017

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