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

+ O.M.P. (T) (COMM.) 21/2017

HINDUSTAN CONSTRUCTION COMPANY LTD..... Petitioner
Through Mr.Dayan Krishnan, Sr.Adv. with
Mr.Ananya Kumar, Adv.

versus

IRCON INTERNATIONAL LIMITED Respondent
Through Mr.Dinesh Agnani, Sr.Adv. with
Ms.Leena Tuteja, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **11.09.2017**

1. This petition is filed under sections 14 and 15 of the Arbitration and Conciliation Act, 1996 seeking to declare that the mandate of the Sole Arbitrator stands terminated and to appoint an independent and impartial person as the Sole Arbitrator.
2. During pendency of the present petition it transpired that the learned Arbitrator has resigned. Arguments had been heard on the last date of hearing.
3. Parties have now agreed that in place of the previous Arbitrator, Shri Kunj Vashista, Retired Chief Engineer, Haryana Irrigation Department, be appointed as the Sole Arbitrator to adjudicate the dispute between the parties. Shri Kunj is on the panel of the Respondent. The Respondent will take steps to appoint him as the Arbitrator within two weeks from date of

receipt of a copy of this order.

4. Learned senior counsel for the petitioner has relied upon clause 90 of the Agreement to contend that in view of this clause the amended Arbitration and Conciliation Act, 1996 is applicable to the arbitration proceedings. He however submits that this issue be left open to be adjudicated upon by the learned Arbitrator.

5. Keeping in view the fact that the arbitration proceedings have been pending since long the learned Arbitrator is requested to expeditiously dispose of the matter at least within one year from today. The learned Arbitrator may commence the proceedings from the stage at which they had previously reached. I am told that the petitioner had filed a claim petition and thereafter no progress had been made in the arbitration proceedings. The previous Arbitrator may be requested by the respondent to transmit the records to the new Arbitrator. If there is a delay in transmitting the record the petitioner is free to file a fresh copy of the claim petition that was filed before the learned Arbitrator.

6. Petition stands disposed of. Applications, if any, also stand disposed of.

JAYANT NATH, J

SEPTEMBER 11, 2017

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