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

+ O.M.P. (T) (COMM.) 31/2017

SARTAJ SINGH PANNU ..... Petitioner  
Through Mr.Judy James and Mr.Prasad Rao,  
Advs.

versus

GURBANI MEDIA PVT. LTD.&ANR. .... Respondents  
Through Ms.Rekha Palli, Sr. Adv. with  
Mr.Gurmehr Sistani and Ms. Garima Sachdeva,  
Advs.

**CORAM:**  
**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**  
**20.04.2017**

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**I.A.No. 4728/2017**

Allowed subject to all just exceptions.

**O.M.P. (T) (COMM.) 31/2017**

1. The present petition is filed under Section 15 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator in the arbitration claim which is pending before Delhi International Arbitration Centre. This court on 22.05.2015 in O.M.P. No. No. 1602/2014 had appointed Justice K.P.S. Radhakrishnan, a former Judge of the Supreme Court as a sole arbitrator to adjudicate the disputes, claims and counter-claims. The arbitration was to take place under the aegis of the Delhi International Arbitration Centre (DIAC) and the fee of the learned Arbitrator

was to be in terms of the Delhi Arbitration Centre (Arbitrators Fees) Rules.

2. The parties had thereafter been appearing before the learned Arbitrator. However, on 07.02.2017 after the chief and cross-examination of PW-2 was concluded, learned Arbitrator noted that due to paucity of time and other prior commitments, he is not in a position to complete the arbitration proceedings. Accordingly, the learned arbitrator recused himself from the proceedings. The learned Arbitrator also noted that he has not claimed any arbitration fees/expenses.

3. Learned senior counsel for the respondents submits that she has no objection to substitution of a new arbitrator but she strongly objects to some of the allegations which have been made by the petitioner in the petition regarding the alleged delay caused by the respondents.

4. Without prejudice to the rights and contentions of the parties, I hereby appoint Sh. N.K.Mody, (Rtd.) (Phone No.9425115911) as an Arbitrator in place of Justice K.P.S. Radhakrishnan. Arbitration proceedings will continue from the stage at which the learned Arbitrator- Justice K.P.S. Radhakrishnan had left the proceedings. The fee of the Arbitrator will also be as per the fee schedule of the Delhi International Arbitration Centre.

5. The parties will comply with the fee rules of the centre and deposit requisite demand of the Centre in a time bound manner.

6. The petition stands disposed of.

7. The parties to appear before the DIAC on 04.05.2017 at 3.00 PM.

**JAYANT NATH, J**

**APRIL 20, 2017/rb**