

\$~OS-1

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

+ ARB.P. 282/2017

SHRI SAI NATH ENTERPRISES Petitioner

Through Mr.Rajesh Gupta, Mr.Harpreet Singh
and Mr.Praful Sareen, Advs.

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through Mr.Ashim Shridhar, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **04.09.2017**

IA No.8665/2017

1. This is an application seeking to modify the order dated 5.5.2017 and to appoint a fresh Arbitrator in place of Justice (Retd.) M.L.Mehta who has recused himself from the proceedings.
2. Accordingly, order dated 5.5.2017 is modified. Mr. Justice C.M. Nayar (Retd.) (Mobile No. 9811200328) is appointed as an Arbitrator to adjudicate the dispute between the parties. The parties to appear before the learned Arbitrator on 8.9.2017. Learned Arbitrator may fix his fee in consultation with the learned counsel for the parties.
3. At this stage, learned counsel for the petitioner alleges that contrary to the order of this court dated 27.4.2017 and 5.5.2017 passed in OMP (I) (Comm.) 170/2017 the respondents have sought to encash the bank guarantee. He submits that this court has on 5.5.2017 directed the petitioner to deposit an amount of Rs.40 lacs within two weeks i.e. on or before 19.5.2017 and had restrained the respondent from encashing the bank

guarantee. He submits that cheques were handed over to the respondent prior to 19.5.2017 but there were some technical problems with the bank as evidenced by communication from the Syndicate Bank, Mori Gate dated 29.5.2017. He submits that thereafter on 29.5.2017 the petitioner has by RTGS deposited the said amount.

4. In view of this submission of the petitioner and keeping in view the earlier orders of this court the respondents are restrained from encashing the bank guarantee till 11.9.2017.

5. Liberty is granted to the petitioner to approach the learned Arbitrator for appropriate orders as per law. It is also clarified that this order is subject to the petitioner renewing the bank guarantee and keeping the same valid.

6. Application stands disposed of.

7. A copy of this order be given Dasti under signatures of the Court Master as prayed.

JAYANT NATH, J

SEPTEMBER 04, 2017

n