

\$~21

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

+ O.M.P.(I) (COMM.) 383/2016

PNB HOUSING FINANCE LIMITED Petitioner
Through: Mr Neeraj Kumar, proxy counsel.

versus

GAUTAM GUPTA & ORS. Respondents
Through: Mr Sangram Patnaik, Ms Sonal
Bhalla and Ms Swamsidha,
Advocates for R-1, 2 & 4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

01.03.2017

1. The learned counsel for the petitioner submits that an arbitrator has already been appointed and the respondent has also participated in the arbitral proceedings, although the respondent has objected to the appointment of the arbitrator.
2. In the circumstances, it is directed that the present petition be considered as an application under Section 17 of the Arbitration and Conciliation Act, 1996 and the order passed on 27.09.2016 shall continue till further orders are passed by the arbitral tribunal.
3. It is clarified that this is without prejudice to the rights of the respondent to challenge the appointment of the arbitrator. In the event, the respondent succeeds in its challenge, the order passed on 27.09.2016 shall continue for a further period of three weeks to enable the petitioner to approach this court. However, if the respondent's challenge to the arbitrator

does not succeed, the arbitrator shall hear the present petition *albeit* as an application under Section 17 of the Arbitration and Conciliation Act, 1996 and pass an appropriate order as expeditiously as possible and in any event within a period of three months from today.

The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

MARCH 01, 2017
RK