

\$~4

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

+ **ARB.P. 620/2016**

KMB-ERA(JV)

..... Petitioner

Through Mr Nilava Bandhopadhyay, Advocate.

versus

AIRPORT AUTHORITY OF INDIA

..... Respondent

Through Ms Anjana Gosain, Advocate with
Mr Rahul Singhal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

16.01.2017

1. By an order dated 14.12.2014, it was proposed to appoint Justice Deepak Verma (Retired), a former Judge of the Supreme Court of India, as the sole arbitrator to adjudicate the disputes between the parties and the Registry was directed to communicate a copy of that order to the proposed Arbitrator for eliciting a disclosure under Section 12 of the Arbitration and Conciliation Act, 1996.
2. The learned counsel for the petitioner has handed over a copy of the said disclosure.
3. Ms Gosain, the learned counsel appearing for the respondent authority submits that there are already two arbitration proceedings before the proposed arbitrator where the respondent is a party and the same are continuing for about three years. However, in the disclosure submitted by

the arbitrator he has unequivocally declared that there exists no circumstances which are likely to affect his ability to complete the arbitration proceedings within a period of twelve months subject to cooperation of the concerned parties. The arbitrator has also unequivocally stated that there are no circumstances which are likely to give rise to justifiable doubts as to his independence and impartiality. In the circumstances, the proposed arbitrator is appointed as an arbitrator to adjudicate the disputes between the parties.

4. Ms Gosain, learned counsel for the respondent authority points out that the Arbitrator has already held a preliminary hearing on 06.01.2017 at 11.30 a.m. and the respondent was not present since the Arbitrator's appointment at that stage was only proposed and this Court had not appointed the Arbitrator. The said submission is merited. Accordingly, it is directed that the preliminary hearing on 06.01.2017 be treated as *non est*. The arbitrator shall commence its proceedings afresh as per his convenience and that of the parties. The parties are at liberty to approach the arbitrator for holding a preliminary hearing.

5. The petition is disposed of.

VIBHU BAKHRU, J

JANUARY 16, 2017

pkv