

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

15.

+

O.M.P. 383/2015

PRAVEEN NANGIA

..... Petitioner

Through: Mr. Amit Saxena, Advocate.

versus

DR. MADAN MOHAN KWATRA & ANR.

.... Respondents

Through: Mr. Sanjiv Verma, Advocate for
Respondent No.1.

Counsel for Respondent No.2 (presence not
given).

CORAM: JUSTICE S. MURALIDHAR

ORDER

08.02.2017

%

O.M.P. 383/2015 & IA No. 13974/2015 (for stay)

1. The short question that arises in this present petition is whether the learned Arbitrator was justified in setting the Petitioner ex parte by the impugned order dated 5th November 2014.

2. Without getting into the question of maintainability of the present petition, it is agreed by parties that the Petitioner should be permitted to participate in the arbitral proceedings from the stage at which the proceedings were on 5th November 2014.

3. In that view of the matter, the impugned order dated 5th November 2014 is set aside and it is directed that the Petitioner will now appear before the

learned Arbitrator. Learned counsel for the parties assure the Court that they will extend their full cooperation for expeditious disposal of the arbitral proceedings. The Arbitrator will make every endeavour to conclude the arbitral proceedings and pronounce an Award within a period of six months from today. Neither party will be allowed to take any unnecessary adjournments.

4. The plea of the Respondent, on the strength of the judgment of this Court in *M/s. SDB Intrastructure Pvt. Ltd. v. DDA* (decision dated 29th September 2016 in W.P(C) No. 684/2002), that the Delhi Development Authority ('DDA') should be made a party in the arbitral proceedings should be urged before the learned Arbitrator and considered by him in accordance with law.

5. The date before the Arbitrator is tentatively fixed for 9th March 2017 at 4 pm subject to the Arbitrator fixing any other convenient date with one week's advance intimation to the parties.

6. The petition is disposed of in the above terms.

S. MURALIDHAR, J

FEBRUARY 08, 2017

dn