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

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O.M.P. 375/2015

PAWAN HANS HELICOPTERS LTD

..... Petitioner

Through Mr. Puneet Taneja, Adv

versus

MESCO AIRLINES LTD.

..... Respondent

Through Ms. Kavita Batra and Mr. Rohit  
Dadwal, Advs

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

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**03.11.2017**

This is a petition praying therein that the mandate of the arbitral tribunal which is presently considering the disputes between the parties be terminated and the award/order dated 4<sup>th</sup> May, 2015 by which the Arbitral Tribunal has terminated the arbitration proceedings with respect to the counter claims preferred by the petitioner herein to be set aside.

This Court by its order dated 16<sup>th</sup> July, 2015 had stayed further proceedings before the arbitral tribunal. It was also informed by the counsel for the petitioner that one of the arbitrators has since resigned.

Today the counsel for the respondent MESCO AIRLINES LTD. submits that she has no objection if the award/order dated 4<sup>th</sup> May, 2015 passed by the Arbitral Tribunal is set aside, without prejudice to the rights and contentions of the respondent, and a Sole Arbitrator be appointed to adjudicate the disputes between the parties

in place of the present Arbitral Tribunal.

In view of the submission made by the respondent and without in any manner expressing opinion on the submission made by the petitioner in the petition, the award/order dated 4<sup>th</sup> May, 2015 passed by the Arbitral Tribunal is set aside. The parties, with consent, are referred to the Delhi International Arbitration Centre (DIAC) who may appoint a Sole Arbitrator to adjudicate the disputes between the parties. The Sole Arbitrator shall take the proceedings from the stage immediately before the order dated 4<sup>th</sup> May, 2015 was passed. The proceedings would now be held in accordance with the rules of the DIAC.

The parties to appear before DIAC on 22<sup>nd</sup> November, 2017 at 4 PM.

The petition is allowed in above terms with no order as to costs.

**NAVIN CHAWLA, J**

**NOVEMBER 03, 2017/NK**