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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 795/2016

LANDMARK OUTDOOR MEDIA SERVICES PRIVATE
LIMITED

..... Petitioner

Through: Mr. Siddharth, Advocate.

versus

NORTHERN RAILWAY

..... Respondent

Through: Mr. Jagjit Singh with Mr. Preet Singh,
Mr. Sukhdev Singh and Ms. Kiran Kaushik,
Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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24.03.2017

1. Mr. Jagjit Singh, learned counsel appearing for the Respondent draws the attention of the Court to the fact that after notice was issued in the present petition, the Respondent on 10th March 2017 appointed an Arbitrator who fixed the arbitration proceeding for 22nd March 2017.

2. Since the above step was taken long after notice was issued in the present petition (19th December 2016), the Court, applying the ratio of the decision in *Datar Switchgears Limited v. Tata Finance Limited (2000) 8 SCC 151* holds that the said appointment of the Arbitrator is untenable in law. The mandate of the said Arbitrator accordingly stands terminated.

3. A sole Arbitrator is appointed to adjudicate the disputes between the parties, including their claims and counter-claims. The arbitration will take place under the aegis of the Delhi International Arbitrator Centre ('DAC'). The fees of the Arbitrator will be governed by the Delhi Arbitration Centre (Arbitrators Fees) Rules.

4. Both the parties are now directed to appear before the Additional Coordinator, DAC on 18th April 2017 at 4 pm for further steps.

5. The petition is disposed of in the above terms. A copy of this order be delivered to the Additional Coordinator, DAC forthwith.

S.MURALIDHAR, J

MARCH 24, 2017

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