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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(T) 35/2015

SPML INFRA LIMITED

.... Petitioner

Through

Mr Rakesh Sinha and Mr Samrat
Sengupta, Advs.

versus

NTPC LIMITED

..... Respondent

Through

Mr G.K. Mishra and Mr Ayander
Mitra, Advs.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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19.01.2017

1. It is seen that Mr Harbans Singh, the arbitrator appointed by the Respondent was in fact its project in-charge. He has since been transferred from that post. No proceedings took place before Mr. Harbans Singh. Even the Statement of Claim was not filed. It is under these circumstances that the present petition has been filed by the Petitioner seeking the appointment of a substitute arbitrator.

2. It is pointed out by learned counsel for the Petitioner, and not denied by the learned counsel for the Respondent, that some other disputes arising out of the same contract are now being adjudicated by Mr Justice A.P. Shah, former Chief Justice of this Court as Sole Arbitrator.

3. In that view of the matter, while declaring that the mandate of Mr Harbans Singh as Arbitrator stands terminated, this Court refers the disputes

between the parties, forming the subject matter of the present petition to the *de novo* arbitration of Justice A. P. Shah as Sole Arbitrator. Justice Shah will fix his terms and communicate them to the parties.

4. The parties are directed appear before Justice A.P. Shah on 1st March, 2017 at 4pm or some other time as may be convenient to Mr. Justice A.P. Shah as may be informed by him to the parties at least one week in advance. The venue for the hearing shall be arranged by the Petitioner and informed to Justice Shah as well as the Respondent at least three days in advance. The expenses thereof shall be shared equally by the parties.

5. This order is passed in the peculiar facts and circumstances of the case and will not constitute a precedent.

6. The petition is disposed of, accordingly. A copy of this order be delivered forthwith to Mr. Justice A.P. Shah.

S.MURALIDHAR, J

JANUARY 19, 2017
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