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

+ O.M.P. (MISC.) 6/2017

M/s FIITJEE LTD.

..... Decree Holder

Through Ms.Arti Rawat proxy counsel for the
petitioner.

versus

ABHISHEK SAPRA

..... Judgement Debtor

Through Mr.Manish Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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25.09.2017

1. This petition is filed under Section 29A (4) of the Arbitration and Conciliation Act, 1996 (*hereinafter referred to as 'the Act'*) seeking to extend the time period for passing of the award. It is averred in the petition that the respondent joined the petitioner as Finance Controller in the Finance and Accounts Department on 21.05.2015.
2. It is the case of the petitioner that the respondent contravened some of the terms and conditions of his appointment and left the services abruptly on 05.11.2015.
3. Disputes having arisen between the parties, the petitioner invoked the arbitration clause and vide invocation letter dated 24.12.2015 appointed Shri Subhash Tagra, Advocate as an arbitrator. It is urged that the learned arbitrator entered appearance on 15.02.2016 and the time frame provided by Section 29 A of the Act has expired. Accordingly, the present petition has

been filed seeking extension of time.

4. The learned counsel for the respondent has entered appearance. He submits that the learned arbitrator has been nominated as an arbitrator by the petitioner in several proceedings and is ineligible to conduct the arbitration proceedings. He submits that he has no objection in case any independent impartial arbitrator is appointed to adjudicate the dispute between the parties. In that eventuality, he submits that this court may extend the time.

5. The learned counsel for the petitioner submits that she has no objection to the proposal put forward by the learned counsel for the respondent. She submits that the petitioner is agreeable if this court appoints an independent arbitrator after termination of the mandate of the previous arbitrator Shri Subhash Tagra, Advocate.

6. In view of expiry of 12 months from the date the learned arbitrator entered reference, the mandate of the arbitrator has come to an end.

7. By the consent of the parties, I appoint Ms.R.Kiran Nath (Retd. District Judge) (Mobile No.9910384659) as the Sole Arbitrator to adjudicate the dispute between the parties. She will continue the proceedings from the stage at which the previous proceedings had reached. The parties shall share the fees and cost of the arbitration proceedings. The learned arbitrator may fix her fees in consultation with the learned counsel for the parties. She will also file her declaration under Section 12(1) of the Act.

8. Request may be sent to the previous learned arbitrator to transmit the records to the newly appointed learned arbitrator. The petitioner is authorised to take steps for having the records transmitted from the old learned arbitrator to the new learned arbitrator. Parties to appear before the

learned arbitrator on 30.10.2017 at 04:00 PM.

9. Petition stands disposed of.

JAYANT NATH, J.

SEPTEMBER 25, 2017/rk