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

+ **ARB.P. 111/2018**

MODERN RADIO HOUSE (INDIA) PVT. LTD. Petitioner

Through Mr Rakesh Khanna, Ms Nabhanya
Sharma, Advocates.

versus

JR MODI ASSOCIATES LTD. Respondent

Through Mr Ravinder Singh, Mr Raveesha Gupta,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.05.2018**

1. The petitioner has filed the present petition under Section 11 (6) (b) of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in connection with the purchase order dated 19.05.2011.
2. The learned counsel for the parties point out that by an order dated 05.11.2014 passed in ARB. P. No. 182/2014 captioned as *M/s Modern Radio House (India) Pvt. Ltd. v. M/s JR Modi Associates Ltd*, a sole arbitrator was appointed to adjudicate the disputes between the parties. It was also directed that arbitration shall be conducted under the aegis of Delhi International Arbitration Centre and as per its rules. The arbitrator so appointed has since recused himself from the proceedings and in the circumstances an arbitrator is required to be appointed to fill up the vacancy

so caused. The leaned counsel for the respondent also joins the counsel for the petitioner in making the request for appointment of a sole arbitrator.

3. In view of the above, Mr B.B. Chaudhary Retired, District & Sessions Judge, Delhi is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. This is subject to the arbitrator making the necessary disclosure under Section 12 of the Act and not being ineligible under Section 12(5) of the Act. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules. The arbitration shall be proceed from the same stage as reached before the arbitrator appointed earlier.

4. The parties are directed to appear before the Co-ordinator, DIAC on 25.05.2018 at 2.00 p.m.

5. The petition is disposed of.

VIBHU BAKHRU, J

MAY 14, 2018

pkv