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

+ O.M.P. (T) (COMM.) 16/2018

HCL INFOSYSTEMS LTD.

..... Petitioner

Through: Mr V.N. Koura and Mr Anupam Roy,
Advocates.

versus

BHARAT SANCHAR NIGAM LIMITED Respondent

Through: Mr L.B. Rai, Mr Kartik Rai and Mr
Sumit Nagpal, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.02.2018**

I.A. 2687/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying that the mandate of the sole arbitrator be terminated, as according to the petitioner, the arbitrator has been unable to devote sufficient time for the arbitration proceedings.
4. It is stated that the Arbitral Tribunal had held only two hearings in the year 2013 due to his poor health. The petitioner has not stated as to how many hearings were held in the years 2014, 2015 and 2016; however, the learned counsel appearing for the parties state that a number of hearings were held during that period.

5. It is stated that between 22.04.2016 to 03.05.2017, only three hearings took place because of unavailability of the sole arbitrator. It is also stated that on the last two dates, that is, 22.11.2017 and 20.12.2017, neither the arbitrator was present at the venue nor were the counsel informed by the arbitrator regarding his unavailability.

6. The learned counsel appearing for the petitioner states that he has received a communication from the arbitrator informing the parties that they could fix any date in March except 19th to 22nd. It is apparent from the above that the arbitrator is ready and willing to fix the hearing subject to the convenience of the learned counsel for the parties.

7. In the circumstances, it is directed that the learned counsel for the respondent shall inform at least three dates (other than 19.03.2018 to 22.03.2018) on which the hearings can be held, within a period of two days from today. The parties shall also indicate at least four dates in the months of April 2018 for the Arbitral Tribunal to complete the proceedings.

8. The petitioner would be at liberty to apply in the event, the arbitrator is unable to hold sufficient number of hearings in the months of March and April 2018.

9. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

FEBRUARY 26, 2018
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