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

+ **O.M.P.(MISC.)(COMM.) 36/2018**

NAMITA BALI & ANR.

..... Petitioners

Through: Mr.Rajesh Rai, Mr.Ahand Bali &
Mr.Rishi Kumar, Advs.

versus

M/S B.P.T.P. LTD.

..... Respondent

Through: Mr.Mohish Sharma & Mr.Ninad
Dogra, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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16.07.2018

This petition under Section 29A (4) read with Section 29A (6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioners seeking extension of time for making of the Arbitral Award by the Arbitrator adjudicating the disputes that have arisen between the parties in relation to units / premises booked by the petitioners in the "Capital City" Project being developed by the respondent. The petitioners further pray for substitution of the Arbitrator conducting the arbitration proceedings.

The learned counsel for the respondent submits that though the respondent is challenging the averments made in the petition regarding the conduct of the arbitration proceeding and alleged bias of the present Arbitrator, the respondent would have no objection if a substitute Arbitrator is appointed by this Court. He further submits that the petitioners had not paid their share of fee to the Arbitrator conducting the proceedings and the

respondent apprehends same would be the fate of the substitute Arbitrator so appointed.

The learned counsel for the petitioners submits that the petitioners would duly pay their share of fee of the substitute Arbitrator being appointed by this Court.

In view of the submissions made above, the time for making the Arbitral Award is extended by a further period of nine months w.e.f. from today.

With the consent of the parties, the parties are referred to the Delhi International Arbitration Centre (DIAC) for appointment of a substitute Arbitrator and conduct of the arbitration proceedings from the stage they were at before the earlier Arbitrator. In this regard, I may note that the Arbitrator has conducted certain proceedings even beyond the period stipulated under Section 29A (3) of the Act. Such proceedings till the date of the filing of the present petition, which is 07.03.2018, shall stand regularized and the substitute Arbitrator shall take them into consideration. The parties are directed to appear before DIAC on 25th July, 2018 at 2:00 p.m.

The petition is disposed of in the above terms and with no order as to cost.

NAVIN CHAWLA, J

JULY 16, 2018/rv