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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (T) (COMM.) 37/2018

HINDUSTAN STEEL WORKS CONSTRUCTION LTD

..... Petitioner

Through: Mr.Karunesh Tandon, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR.

..... Respondents

Through: Mr.Sandeep Bajaj, Mr.Soayib Qureshi,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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07.05.2018

IA 6186/2018

Exemption allowed subject to all just exceptions.

OMP(T) (Comm.) 37/2018

This petition has been filed under Section 15 of the Arbitration and Conciliation Act, 1996(hereinafter referred to as the 'Act') seeking appointment of a substitute Arbitrator in place of the Arbitrator appointed by this Court vide order dated 15th April, 2015 passed in Arbitration Petition no. 419/2014.

The arbitration was to be conducted under the aegis of the Delhi International Arbitration Centre (DIAC). The DIAC vide its letter dated 22nd January, 2018 has informed the parties about the inability of the Arbitrator to proceed further with the arbitration proceedings and called upon the parties to approach this Court for the appointment of a substitute Arbitrator.

Learned counsel for the respondents, who appears on an advance notice, submits that in terms of section 15(2) of the Act, the substitute Arbitrator has to be appointed in accordance with the rules that were applicable to the appointment of the Arbitrator being replaced. He submits that in terms of Clause 25 of the Agreement, the Arbitrator is to be appointed by the Commissioner, MCD.

As the Commissioner, MCD has admittedly failed to appoint an Arbitrator despite receipt of communication dated 22nd January, 2018, I see no impediment in appointing a substitute Arbitrator.

I appoint **Justice R.C.Chopra**, Retired Judge of Delhi High Court, N-7, Greater Kailash-I, New Delhi-110048, Mobile-9818097777 as an Arbitrator. The Arbitrator shall give his disclosure in terms of Section 12 of the Act before proceeding with the arbitration. He shall conduct the proceedings from the stage that they were before the earlier Arbitrator.

The petition is allowed in the above terms with no order as to costs.

Dasti.

NAVIN CHAWLA, J

MAY 07, 2018
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