

\$~1 & 11

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

+ ARB. A. (COMM.) 29/2018 & IA 8105/2018

(11) O.M.P. (T) (COMM.) 46/2018 & IA 8107/2018

IRCON INFRASTRUCTURE & SERVICES LTD.

..... Petitioner

Through: Mr.Udit Seth, Adv.

versus

NEO GLOBE TOURS & TRAVELS

..... Respondent

Through: Mr.Dilip Singh & Ms.Saroj Kumar,
Advts. with Mr.Sadiq, proprietor of
respondent.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

10.12.2018

The petitioner has filed OMP (T) (COMM) 46/2018 under Section 14 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking termination of mandate of the Sole Arbitrator appointed by the Indian Council of Arbitration (ICA) vide its notice dated 22.12.2017.

The appeal being ARB.A. (COMM) 29/2018 has been filed by the petitioner under Section 37(2) of the Act challenging the order dated 23.05.2018 passed by the Sole Arbitrator on an application filed by the respondent under Section 17 of the Act allowing the respondent to continue to be in possession of the property/premises subject to the payment of monthly dues with effect from 01.06.2018 to the petitioner.

The learned counsel for the respondent submits that without prejudice to the rights and contentions of the respondent, the respondent has no

objection if the mandate of the Arbitrator is terminated by this Court and the interim order dated 23.05.2018 is set aside.

In view of the submissions made by the learned counsel for the respondent, the above petition and the appeal are allowed, terminating the mandate of the Sole Arbitrator appointed by the ICA vide its communication dated 22.12.2017 and setting aside the order dated 23.05.2018 passed by the Sole Arbitrator on the application filed by the respondent under Section 17 of the Act.

The respondent would be at liberty to apply to the Sole Arbitrator for refund of the fee paid by it to the Sole Arbitrator. It is made clear that this Court has not made any observation on the merit of such request.

The present petition and the appeal are allowed in the above terms, with no order as to cost.

NAVIN CHAWLA, J

DECEMBER 10, 2018/rv