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

+ O.M.P. (T) (COMM.) 70/2018

TANTIA CCLIL (JV)

..... Petitioner

Through: Mr.Soumya Chakraborty, Sr. Adv. with
Mr.Jairaj Singh, Mr.Pankaj Sharma, Advs.

versus

UNION OF INDIA

..... Respondent

Through: Mr.Joydeep Mazumdar,
Ms.P.Chakravarty, Advs. for Railways.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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11.09.2018

This petition under Sections 14 and 15 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking termination of the mandate of the Arbitral Tribunal adjudicating the disputes that have arisen between the parties in relation to the Contract Agreement No.74-W/16/101/T-1/WA PT-11 dated 2nd March, 2010 executed between the parties.

On an earlier occasion, this Court had appointed a Presiding Arbitrator vide order dated 23rd December, 2016 passed in Arbitration Petition No.615/2016.

The grievance of the petitioner is that even upon appointment of the Presiding Arbitrator, in spite of repeated requests, the Arbitral Tribunal has not conducted any proceedings.

Counsel for the respondent does not dispute the above position. Counsel for the petitioner submits that in order to expedite the

adjudication of the disputes, instead of three member Arbitral Tribunal, a Sole Arbitrator be appointed. The suggestion is agreeable to the counsel for the respondent as well.

In view of the above, I appoint, **Justice S.P Garg**, Retired Judge of this Court (D-72, Saket Court Residential Complex, Saket, New Delhi -110017, Mobile: 9910384627) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement. The substitute Arbitrator shall give his disclosure under Section 12 of the Act before proceeding with the reference.

The Arbitrator shall continue the arbitration proceedings from the stage that it was at before the earlier Arbitral Tribunal. The parties would be at liberty to collect the record from the Arbitral Tribunal, however, in case of any difficulty, the parties would be at liberty to file before the substitute Arbitrator copies of the pleadings /documents that have been filed before the earlier Arbitral Tribunal.

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

Dasti.

NAVIN CHAWLA, J

SEPTEMBER 11, 2018
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