

\$~24

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

+ **O.M.P.(MISC.)(COMM.) 191/2018**

SHIVI ENTERPRISES

..... Petitioner

Through: Mr. Anukul Raj with Ms. Nikita Raj
and Ms. Deepti Gupta, Advs.

versus

MICROMAX INFORMATICS LIMITED

..... Respondent

Through: Mr. Mudit Sharma with Parvez Alam
Khan, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

01.11.2018

%

1. This is a petition filed under Section 29A of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "1996 Act"). Even though upon notice being issued in the petition and an opportunity being given to the respondent to file a reply, the same has not been filed.
2. Learned counsel for the respondent says that he does not wish to file a reply in the matter, as he is agreeable to the prayer made in the petition.
3. To be noted, an Arbitrator was appointed by this Court vide order dated 21.4.2017. Copy of the order, it appears, was served on the learned Arbitrator on 22.5.2017.
4. I am informed by the counsel for the parties that the first hearing before the learned Arbitrator was held on 14.7.2017. Evidently, while proceedings were being conducted before the learned Arbitrator, the statutory period of 12 months expired on 22.5.2018.

5. The learned Arbitrator, however, on 27.5.2018 has passed an order, which is reflective of the fact that he does not wish to continue with the proceedings.

5.1 I must indicate that the learned Arbitrator has noted in the said order that the respondent has refused to agree to the suggestion to extend time for conclusion of arbitration proceedings.

6. On being queried, counsel for the respondent says that he does not wish to elaborate on the reasons, however, would agree to the request made by the counsel for the petitioner for substitution of the present Arbitrator with another person.

7. Counsel for the petitioner says that in order to hasten the proceedings, he would make a request on similar lines, which is that this Court should appoint another Arbitrator in place of Mr. R.P. Bhatt, Sr. Advocate, who had been acting as the Arbitrator till 27.5.2018.

8. I am also informed that the matter is at the stage of completion of pleadings.

9. Accordingly, Mr. K.K. Lahoti, former Judge of this Court (contact no.: 0120-4105444) is appointed as an Arbitrator. Learned Arbitrator will continue the arbitration proceedings from the stage where it is, presently, situated.

10. Learned Arbitrator will endeavour to complete the proceedings within a period of 12 months, which will commence from 22.5.2018.

11. Counsel for the parties submit that the learned Arbitrator should be paid the fees as per Fourth Schedule appended to the 1996 Act.

- 11.1 It is ordered accordingly.
12. The captioned petition is disposed of in the aforementioned terms.
13. *Dasti.*

RAJIV SHAKDHER, J

NOVEMBER 01, 2018/pmc