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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (T) (COMM.) 100/2018
ION EXCHANGE (INDIA) LTD Petitioner
Through: Mr.Aaditya Vijay Kumar, Ms.Ayushi
Kumar, Advs.

versus

NATIONAL THERMAL POWER CORPORATION Respondent
Through: Mr.Bharat Sangal, Ms.Anindita,
Ms.Babita Khushwaha, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **26.09.2018**

IA 13200/2018

Exemption allowed subject to all just exceptions.

OMP(T) (COMM) 100/2018 & IA 13199/2018

1. Issue notice to the respondent. Notice is accepted by Mr.Bharat Sangal, Advocate on behalf of the respondent.
2. This petition has been filed under Section 14 read with Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking termination of the mandate of the Presiding Arbitrator of the Arbitral Tribunal adjudicating the disputes that have arisen between the parties in relation to the Agreement dated 27.08.1987 executed between the parties for installation of "Condensate Polishing Unit" at Ramagundam Super Thermal Power Project having 3x500 MW nominal rating steam turbo generators at Ramagundam (Andhra Pradesh).

3. It is the case of the petitioner that the Presiding Arbitrator of the Arbitral Tribunal, due to his ill-health, is unable to perform his functions resulting in delay in adjudication of the disputes that have arisen between the parties. The said submission is not denied by the counsel for the respondent.
4. Having perused the contents of the petition and no objection expressed by the counsel for the respondent, the mandate of the Presiding Arbitrator is terminated.
5. I appoint **Justice R.C.Chopra** (Retired Judge of this Court), N-7, Greater Kailash-I, New Delhi-110048, Mobile-9818097777, Ph. 29248111 & 32554242 as a substitute Presiding Arbitrator. The Presiding Arbitrator shall give his disclosure under Section 12 of the Act before proceeding with the reference.
6. The arbitration proceedings shall be conducted from the stage that they were at before the earlier Arbitral Tribunal.
7. In case any record is to be obtained from the earlier Presiding Arbitrator, the parties shall be at liberty to collect the same and place it before the new Presiding Arbitrator.
8. The earlier Presiding Arbitrator shall be paid upto date fee for his service.
9. The petition is allowed in the above terms with no order as to costs.

NAVIN CHAWLA, J

SEPTEMBER 26, 2018
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