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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) 19/2018 & IAs 14210-11-12/2018
SHEKHAR PAL SHARMA Petitioner
Through: Mr.Mukesh Kumar, Adv.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr.Anil Panwar, CGSC with Mr.Ashim
Sood, Ms.Payal Chandra, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **15.10.2018**

1. This petition under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking continuation of the Interim Order dated 12.07.2018 staying the operation of the Termination Order dated 24.05.2018 issued by the respondents.
2. This Court by its order dated 12.07.2018, taking note of the statement of the counsel for the respondents that the Arbitral Tribunal has been constituted, disposed of the earlier petition filed by the petitioner under Section 9 of the Act being Arb. P.No.456/2018 continuing the Interim Order dated 20.06.2018 by a further period of 15 days.
3. Counsel for the petitioner submits that the Arbitrator appointed by the respondent as also the Presiding Arbitrator are the serving employees of the respondent.
4. Counsel for the respondents, on the other hand, submits that the

petitioner is filing petitions one after another somehow ensuring continuation of the Interim Order. In this regard, he refers to the order dated 29.08.2018 passed by the Division Bench of this Court in WP(C) No.9121/2018 titled *Shekhar Pal Sharma vs. UOI & Ors.* He, however, submits that to cut-short the controversy, the respondents are agreeable if this Court appoints a Sole Arbitrator for the purpose of expediting the adjudication of the disputes between the parties as also consideration of the application for Interim Order filed by the petitioner.

5. The suggestion of the respondents is agreeable to the counsel for the petitioner.

6. In view of the above, the mandate of the earlier appointed Arbitral Tribunal is terminated and instead **Mr.A.P.S.Ahluwalia**, Senior Advocate, Chamber No.495, Block-2, Lawyer's Chamber, Delhi High Court, Mobile-9810294209 is appointed as the Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Contract for Specialists Services dated 21.12.2015 executed between the parties.

7. The Arbitrator shall give disclosure under Section 12 of the Act before proceeding with the reference.

8. The Interim Order dated 12.07.2018 shall continue for another period of 15 days from the Arbitrator entering upon the reference.

9. The Arbitrator shall continue the proceedings from the stage that they were before the earlier Arbitral Tribunal. The counsel for the respondents shall be free to collect the Arbitral Record from earlier Arbitral Tribunal and hand over the same to the newly

appointed Arbitrator.

10. Either party shall be free to file an application before the Arbitrator seeking modification/variation of the Interim Order passed by this Court. Such application, if filed, shall be considered by the Arbitrator remaining uninfluenced by any observations made by this Court in the previous proceedings.

11. Counsel for the petitioner submits that the petitioner shall be duly paying the fee of the Arbitrator for such proceedings. This is specially being recorded as the petitioner had earlier shown some disinclination in paying this fee. It has been made clear that incase the petitioner does not pay the fee of the Arbitrator, the Arbitrator shall be free to terminate the arbitration proceedings.

12. The petition is disposed of in the above terms.

Dasti.

NAVIN CHAWLA, J

OCTOBER 15, 2018

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