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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 28.11.2018

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O.M.P. (T) (COMM.) 119/2018

TANEJA VIDYUT CONTROL PVT. LTD. Petitioner
Through Mr. Ajit Kumar, Adv. alongwith Mr.
Abhinav, AR in person.
versus

MASTER NIHAL SINGH MEMORIAL EDUCATION
SOCIETY Respondent
Through Ms. Kittu Bajaj, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

I.A. No. 15259/2018

1. Allowed, subject to just exceptions.

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2. I have heard the learned counsel for the parties at length.
3. Both the counsel are agreed that the best way to move forward is to appoint a new Arbitrator in the matter.
4. However, let me give, in brief, the background in which this agreement has been arrived at.
5. The petitioner's entire case is that the work order in issue, was issued at the behest of a company by the name of Ambience Pvt. Ltd. The learned Arbitrator, it appears, did not disclose the fact (as revealed from the reply of the respondent) that he had been engaged by Ambience Pvt. Ltd.

6. Ms. Bajaj, on the other hand, says, that the matter in which the learned Arbitrator had been engaged did not proceed on merits.

6.1 It is the learned counsel's submission that the matter was withdrawn and, therefore, the learned Arbitrator did not have any occasion to rule on the merits of the matter.

7. Be that as it may, it is advisable for the Arbitrators to make a disclosure.

7.1 Firstly, in the statutory format. Secondly, and more importantly, to disclose any past or present relationship with or interest in any of the parties or in relation to the subject matter in dispute as is required in the format prescribed in the Sixth Schedule of the Arbitration and Conciliation Act, 1996 (for short 'Act').

8. Since, in this case, the parties have agreed to the appointment of a substitute Arbitrator in place of Mr. Kuldeep Singh, former Additional District Judge, I need not delve into the matter.

8.1 It is made clear, though, that none of which that is noted above, in any way reflects on the integrity of the learned Arbitrator i.e. Mr. Kuldeep Singh.

9. Having regard to the aforesaid, Mr. Padam Kant Saxena, former Additional District Judge, (Cell no.: 9910384668), is appointed as an Arbitrator in place of Mr. Kuldeep Singh.

10. The proceedings before the substitute Arbitrator shall commence from the stage at which they are presently positioned.

11. The Arbitrator will be paid his fee as per the provisions of the Fourth Schedule of the Act.

12. The learned Arbitrator before entering upon reference will file a declaration in accordance with the provisions of Section 12 and other attendant provisions of the Act.

13. The petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

NOVEMBER 28, 2018

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