

\$~23

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

+ O.M.P. (T) (COMM.) 118/2018

DAYA ENGG. WORKS (SLEEPER) LTD., Petitioner

Through: Ms.Sweta Rani and Mr.Anant
Agarwal, Advs.

versus

UNION OF INDIA

..... Respondent

Through: Mr.Jagjit Singh and Mr.Preet singh,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

29.11.2018

1. This petition under Section 14 read with Section 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 Sole Arbitrator and appointment of a substitute Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Contract No. 90/TRACK-II/22/11/2 dated 12.11.1991 and Agreement no. 187-S/876/TSO/DNA dated 09.02.1995.
2. The disputes having arisen between the parties, at the request of the petitioner, the respondent appointed an Arbitrator on 16.09.2015 to adjudicate the disputes.
3. The respondent filed its Statement of Claim before the Arbitrator, however, it is the case of the petitioner that since 12.10.2015, the Arbitrator did not conduct any arbitration proceedings.

4. The petitioner also filed an application under Section 11(6) of the Act being Arb.P. No.497/2018, however, withdrew the same to file the present petition.
5. Counsel for the respondent submits that in spite of efforts being made, the respondent has been unable to make contact with the Arbitrator.
6. In view of the fact that the Arbitrator has not conducted the arbitration proceedings for the last three years, I terminate the mandate of the Arbitrator and appoint **Mr.Babu Lal**, Retired Additional District and Sessions Judge, Delhi (B-750, 2nd Floor, Greenfields Colony, Faridabad- 121010 Ph: 9910384643) as a Substitute Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreements. The Substitute Arbitrator shall give a disclosure under Section 12 of the Act before proceeding with the reference.
7. The parties shall be free to file copies of the pleadings filed by them before the earlier Arbitrator, before the Substitute Arbitrator.
8. The petition is allowed in the above terms, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

NOVEMBER 29, 2018/Arya