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

+ **O.M.P. (T) (COMM.) 69/2017 and I.A. No. 10053/2017**

B.E. CONTRACTS PVT. LTD.

..... Petitioner

Through: Mr Anant Hajelay and Mr A.K.
Hajelay, Advocates.

versus

CRSSG-NCC (JV)

..... Respondent

Through: Ms Priya Kumar and Mr Anand,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **01.03.2018**

1. The petitioner has filed the present petition, *inter alia*, praying that an order be passed to terminate the mandate of the Arbitrator (Mr N.R. Alluri, Director, NCC Limited) appointed to resolve the disputes that have arisen between the parties in relation to work order dated 08.12.2010 for “Supply, erection, testing & commissioning of various Electrical Installation include necessary approval from Electricity Board as per the specifications / Bill of Quantities / Preamble at ESIC Hospital, Mandi, Himachal Pradesh.”
2. The petitioner further prays that an arbitrator be appointed by this Court in substitution of the aforesaid Arbitrator.
3. There are several allegations made with regard to the proceedings undertaken by the Arbitrator in question. However, it is not necessary to examine the same in view of the consensus arrived at between the parties.
4. Ms Priya Kumar, the learned counsel appearing for the respondent

states, on instructions, that the respondent is agreeable to appoint Justice S.K. Agarwal (Retired) as the sole arbitrator to adjudicate the disputes that have arisen between the parties in relation to work order dated 08.12.2010. She, however, states that it is not necessary to commence the arbitration *de novo* and the arbitration may continue from its current stage.

5. Mr Anant Hajelay, the learned counsel appearing for the petitioner also concurs with the aforesaid suggestion. He states that the arbitration proceedings are at the stage of completion of pleadings and, therefore, no prejudice would be caused to either parties, if the arbitration proceedings are continued from that stage.

6. In view of the above, the present petition is disposed of by terminating the mandate of the Arbitrator (Mr N.R. Alluri, Director, NCC Limited) and appointing Justice S.K. Agarwal (Retired), as an Arbitrator to adjudicate the subject disputes. This is subject to Justice Agarwal making the necessary disclosure under Section 12 of the Act and not being ineligible under Section 12(5) of the Act. The arbitrator shall fix his fees in consultation with the parties.

7. The pending application also stands disposed of.

VIBHU BAKHRU, J

MARCH 01, 2018
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