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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (T) (COMM.) 130/2018
GAURAV ENTERPRISES Petitioner
Through: Mr.Tarkeshwar Nath, Adv.

versus

THE COMMISSIONER, FOOD SUPPLIES & CONSUMER
AFFAIRS Respondent
Through: Mr.Gautam Narayan, ASC with
Ms.Shivani Vij & Ms.Mahamaya
Chatterjee, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **17.12.2018**

IA No. 17263/2018 (Exemption)

Allowed, subject to all just exceptions.

O.M.P. (T) (COMM.) 130/2018

This petition has been filed under Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking appointment of a substitute Arbitrator for adjudicating the disputes that have arisen between the parties.

This Court vide order dated 24.08.2016 passed in Arb.P. 561/2015 had appointed a Sole Arbitrator for adjudicating such disputes between the parties. The Arbitrator vide his letter dated 09.09.2016 expressed his inability to continue with the arbitration proceeding. The Arbitrator again, vide letter dated 26.06.2018 addressed to the petitioner's counsel expressed his inability to continue with the arbitration proceeding.

As the appointed Arbitrator has refused to continue with the

arbitration proceedings, his mandate is terminated and a substitute Arbitrator deserves to be appointed. The learned counsel for the respondent, who appears on advance notice, submits that the respondent has no objection to such appointment

I appoint **Mr.Kamlesh Kumar**, Retired Additional District Judge (R/o F-149, LIC Colony, Jevan Niktan, Pachim Vihar, New Delhi, Mobile: 9971208844) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties. The Arbitrator will be entitled to fee in accordance with the Fourth Schedule of the Act.

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

The petition is disposed of with the above direction, with no order as to cost.

NAVIN CHAWLA, J

DECEMBER 17, 2018/rv