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

+ O.M.P. (T) (COMM.) 93/2017

G4S SECURE SOLUTIONS INDIA PVT LTD

..... Petitioner

Through : Mr.Pawas Aggarwal and Mr.Vinayak
Bhatta, Advocates.

versus

D S C LTD

..... Respondent

Through : Mr.Rajnish Kumar and Mr.Hem
Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **06.02.2018**

The petitioner has filed this petition under Section 15 (1) (a) and (2) the Arbitration and Conciliation Act, 1996 (hereinafter referred as 'the Act') for appointment of a fresh arbitrator in place of Mr.G.D.Dhanuka, Additional District Judge (Retired) who was appointed as arbitrator vide order dated 06.02.2015.

It is the case of the petitioner that it has provided the security services to the respondent at various places and sites in India in terms of the agreements executed between the parties from time to time. The respondent did not make the payment of entire bills and made the part payments as respondent had availed the services of petitioner satisfactorily. On account of failure of respondent to make the due payment, the petitioner on 01.09.2012 terminated the contract between the parties. Thereafter the petitioner issued the statutory

legal notice dated 11.12.2013 to respondent claiming an amount of Rs.49,69,865/-. The Arbitration Petition No.572/2014 under Section 11 of the Act was filed by the petitioner invoking the arbitration clause and this Court vide order dated 06.02.2015 appointed Mr.G.D.Dhauka, Additional District Judge (Retired) as sole arbitrator to conduct the arbitral proceedings per the Delhi International Arbitration Centre (DAIC). On 01.04.2017, the DIAC informed both the parties that learned sole arbitrator sought recusal in view of his health conditions as per his letter dated 27.03.2017. On 25.05.2017, the petitioner sent a letter with a copy to respondent to the DIAC to appoint another retired judicial officer in place of earlier arbitrator. The respondent did not respond to this stand even to the letter dated 10.07.2017 sent by the DIAC separately. Hence, this petition.

The learned counsel for the respondent concedes that he has no objection if this Court appoints another arbitrator in place of earlier arbitrator.

In view of the above facts and statement of the learned counsel for the respondent while terminating the mandate of earlier arbitrator, Mr.R.K.Yadav, District Judge (Retd.) (Mobile No.9910384623) is hereby appointed as an arbitrator. Needless to state the proceedings shall be continued further from the stage as were left by earlier arbitrator. The proceedings be conducted under the aegis of the centre and the fee shall be paid as per the Fee Schedule of Delhi Arbitration and Conciliation Centre, Delhi High Court, Delhi. Parties to appear before the co-ordinator of the Delhi High Court Arbitration and

Conciliation Centre on 22.02.2018 at 03.00PM.

Petition stands disposed of.

YOGESH KHANNA, J

FEBRUARY 06, 2018

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