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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ ARB.P. 25/2019
DEWAN CHAND Petitioner
Through: Mr.Tej Pal Singh, Adv.

versus

BPTP LTD Respondent
Through: Ms.Manmeet Arora, Ms.Samapika
Biswal, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **16.01.2019**

IA 590/2019

Exemption allowed subject to all just exceptions.

IA 591/2019

This is an application seeking condonation of 22 days delay in re-filing the petition.

For the reasons stated in the application, the delay is condoned and the application stands allowed.

Arb.P. 25/2019

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of a substitute Arbitrator in place of the earlier Arbitrator who has unfortunately expired during the currency of the arbitration proceedings.

2. Counsel for the respondent, who appears on an advance notice, submits that she has no objection to the appointment of a substitute

Arbitrator.

3. As there is no dispute on existence of the Arbitration Agreement, I see no impediment in appointing a substitute Arbitrator for adjudicating the disputes that have arisen between the parties.

4. I therefore, appoint **Mr. Justice R.V.Easwar**, Retired Judge of this Court (D-41 (Ground Floor), Hauz Khas, New Delhi, Mobile-9560899997) as a substitute Arbitrator. The Arbitrator shall give a disclosure under Section 12 of the Act before proceeding with the reference.

5. The arbitration proceedings shall be conducted from the stage that they were at before the earlier Arbitrator. The parties shall be free to collect the record of the arbitration proceedings from the office of the earlier Arbitrator. In case of any difficulty, the parties shall be free to file copies of the said record before the new Arbitrator.

6. The petition is allowed in the above terms with no order as to costs.

NAVIN CHAWLA, J

JANUARY 16, 2019
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