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

+ O.M.P. (T) (COMM.) 11/2019

PROTO INFRASTRUCTURE AND TECHNOLOGIES LTD.

..... Petitioner

Through: Mr.Arun Srivastava and Mr.D.C.
Agarwal, Advs.

versus

DEWAN HOUSING FINANCE CORPORATION LTD.

..... Respondent

Through: Mr.Satyabrata Panda, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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21.01.2019

I.A.No.824/2019 (Exemption)

Exemption allowed subject to all just exceptions.

OMP (T)(Comm.) 11/2019

1. 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.
2. This Court by its order dated 24.05.2017 passed in Arb. A.(Comm) 13/2017 had appointed Ms.Ravinder Kaur, Retired District & Sessions Judge, Delhi as a Sole Arbitrator to adjudicate the disputes between the parties. The Sole Arbitrator vide order dated 09.07.2018 has recused herself on the ground that she has been appointed as Judicial Officer in Central Administration Tribunal, Mumbai. This necessitated the petitioner to file the present petition seeking appointment of a Substitute Arbitrator.

3. Counsel for the respondent, who appears on an advance notice, submits that the respondent has no objection if Substitute Arbitrator is appointed by this Court.
4. In view of the above, I appoint Mr.B.B. Choudhary, Retired Additional District & Sessions Judge, Delhi (Flat No. 301, Tower No. 4, Parsvnath La Tropicana, Khyber Pass, Civil Lines, Delhi-110054. **Old Address:** House No.- 233, Pocket- L, Sarita Vihar, New Delhi- 76 Ph: 9910384611) as a Substitute Arbitrator.
5. The Substitute Arbitrator shall give disclosure under Section 12 of the Act before proceeding with the reference.
6. The arbitration proceedings would continue to be conducted under the aegis of the Delhi International Arbitration Centre (DIAC) and shall be proceeded with from the stage that they were before the earlier Arbitrator.
7. It is made clear that incase a further substitution is required, the DIAC shall appoint a Substitute Arbitrator rather than calling upon the parties to approach this Court.
8. The petition is allowed in the above terms with no order as to cost.
Dasti.

NAVIN CHAWLA, J

JANUARY 21, 2019/Arya