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

+ O.M.P. (T) (COMM.) 25/2019

GOLDEN JUBILEE HOTELS PRIVATE LTD. Petitioner

Through: Mr. Abhimanyu Mahajan,
Ms. Anubha Goel and Mr. Sarthak
Mehrotra, Advocates.

versus

AMERICAN EXPRESS BANKING CORP. Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **18.03.2019**

I.A. 3924/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.

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2. Learned counsel for the Petitioner states that parties had entered into a Merchant Agreement dated 16th April 2017. Subsequently on account of certain disputes and differences between the Parties arising out of the said agreement, Petitioner had filed a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (the Act), being Arbitration Petition No. 410 of 2017 before this Hon'ble Court seeking appointment of an Arbitrator.

3. This Court vide its Order dated 22nd May 2018, had directed the appointment of Hon'ble Mr. Justice R. V. Raveendaran (Retd.) as the learned Sole Arbitrator with consent of Parties. The learned Arbitrator had

commenced the arbitration proceedings from 12th July 2018 onwards.

4. However, during the course of the arbitration proceedings Petitioner raised certain objections under Section 12 and 13 of the Act pursuant to which Hon'ble Mr. Justice R. V. Raveendaran (Retd. Judge, Supreme Court), vide email dated 27th August 2018 withdrew from the office of arbitrator in the arbitration proceedings.

5. Thus by way of the present petition, Petitioner prays for appointment of an arbitrator in place of Hon'ble Mr. Justice R. V. Raveendaran (Retd.). Learned counsel for the Respondent, has no objection to the appointment of a substitute Arbitrator. Accordingly, with the consent of the parties, Hon'ble Mr. Justice A.K. Sikri (Retired Judge, Supreme Court of India) is appointed as the Sole Arbitrator.

6. Learned Arbitrator will issue a declaration under Section 12 read with the attendant provisions of the 1996 Act before entering upon reference.

7. It is made clear that the proceedings will commence from the stage at which they are presently positioned. Learned counsel for the Petitioner shall hand over the record to the learned Arbitrator.

8. The learned Arbitrator will be paid his fee having regard to the provisions of the Fourth Schedule appended to the Arbitration and Conciliation Act, 1996.

9. The Petition is allowed in the above terms. No order as to costs. The Registry will despatch a copy of this order the learned Arbitrator.

SANJEEV NARULA, J

MARCH 18, 2019/nk