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

+ O.M.P. (T) (COMM.) 26/2019 & I.A. No.3926/2019
+ O.M.P. (T) (COMM.) 27/2019 & I.A. No.3928/2019
+ O.M.P. (T) (COMM.) 28/2019 & I.A. Nos.3930/2019 & 4124/2019
+ O.M.P. (T) (COMM.) 29/2019 & I.A. No.3932/2019
+ O.M.P. (T) (COMM.) 30/2019 & I.A. No.3935/2019
+ O.M.P. (T) (COMM.) 31/2019 & I.A. No.3938/2019

AM VINYL PVT. LTD

..... Petitioner

Through Ms. Tania Ahluwalia and Ms. Aarohi
Mikkilineni, Advs.

versus

RELIANCE CAPITAL LTD.

..... Respondent

Through Mr. Rajat Katyal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **27.03.2019**

1 Mr. Katyal has returned with instructions. He says that he would have no objection if this Court were to terminate the mandate of the incumbent Arbitrator with liberty to the respondent i.e. Reliance Capital Ltd. (in short 'RCL') to appoint an independent Arbitrator who has never dealt with the matter pertaining to the respondent/RCL.

1.1 Mr. Katyal also states that the respondent will appoint a retired District Judge/ADJ (Delhi),

2 Learned counsel for the petitioner says that she is agreeable to the suggestion made by Mr. Katyal.

3 Accordingly, the mandate of Mr. S.S. Yadav is terminated. The respondent/RCL will convey to the petitioner, in writing, within two weeks, from today, the name of the substitute Arbitrator. The

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substitute Arbitrator will be a retired District Judge/ADJ (Delhi).

4 Needles to say, the substitute Arbitrator, before entering upon reference, will file a declaration under Section 12 (5) read with the attendant provisions of the Arbitration and Conciliation Act, 1996 (in short '1996 Act'). The learned Arbitrator will also be at liberty to decide his fee in consultation with the parties. While fixing his fee, the Arbitrator will bear in mind the provisions of the Fourth Schedule appended to the 1996 Act. The fee so fixed shall not exceed the limit prescribed in the Fourth Schedule appended to the 1996 Act.

5 Nothing said by the petitioner on the merits of the dispute qua the respondent/RCL will come in the way of the adjudication of the matter on merit. The respondent/RCL will have the liberty to contest the matter on merits dehors the assertions made against it in the captioned petitions.

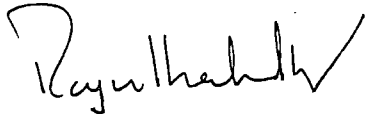
6 The arbitration will proceed from the stage it is presently positioned. Time for arbitration will commence from the date when the Arbitrator enters upon reference.

7 Furthermore, nothing said in the captioned petitions will reflect on the character or independence of the incumbent Arbitrator i.e. Mr. S.S. Yadav.

8 The captioned petitions are disposed of in the aforesaid terms.

9 Pending applications shall stand closed.

10 *Dasti.*


RAJIV SHAKDHER, J

MARCH 27, 2019/A

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for addl doc. b/o petitioner