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

+ O.M.P. (T) (COMM.) 60/2017

APEX ENCON PROJECTS PVT. LTD. Petitioner

Through: Mr. L.B. Rai, Advocate.

versus

UNION OF INDIA AND ANR. Respondents

Through Mr. Ripu Daman Bhardwaj,
CGSC with Mr. P.K. Jain (Law
Officer) for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **08.01.2019**

1. The substantive prayer made in the petition is as follows: -

“(a) Pass an order for terminating the mandate of Shri K.K. Gupta as Sole Arbitrator and to appoint an independent Arbitrator in his place, preferably a Retired ADJ to adjudicate the disputes and differences between the parties;”

2. Mr. Ripu Daman Bhardwaj, who appears for respondent says on instructions that he has no difficulty in the mandate of Mr. K.K. Gupta being terminated.

3. Learned counsel for the respondents says that the proceedings should be held under the aegis of Delhi International Arbitration Centre (‘DIAC’).

3.1 Learned counsel, Mr. Rai, who appears for the petitioner also agrees to this suggestion of Mr. Bhardwaj.

4. Accordingly, the mandate of Mr. K.K. Gupta is terminated. Mr. M.L. Sahni, former Additional District Judge is appointed as an Arbitrator in the matter. The rules and fee schedule applicable to the arbitration proceedings conducted under the aegis of DIAC shall apply to the instant proceedings as well. The learned Arbitrator shall, before entering upon reference, file a declaration in terms of Section 12 (5) of the Arbitration and Conciliation Act, 1996 and the applicable rules.

5. The petition is disposed of accordingly.

RAJIV SHAKDHER, J

JANUARY 08, 2019

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