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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (T) (COMM.) 116/2018

M/S ABHIJEET BIHAR ROADWAYS LIMITED Petitioner

Through Mr. Sandeep Bajaj and Mr. Devansh
Jain, Advs. alongwith AR in person.

versus

NATIONAL HIGHWAY AUTHORITY OF INDIA..... Respondents

Through Mr. Alok Sinha, Mr. Vivekanand Jha
and Ms. Akshita Rishi, Advs. for R-1
Ms. Nidhi Mohan Parashar, Ms.
Umang and Mr. Pratyaksh Sharma,
Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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08.03.2019

1. Service could not be effected on respondents no.2 and 3 as process fee was not filed. On steps being taken, process fee be filed.
2. Furthermore, it appears that the reply(s) filed on behalf of respondents no.1 and 4 have been returned under objection.
3. Learned counsel for respondents no.1 and 4 will ensure that the reply(s) are placed on record.
4. Mr. Sinha, who appears for respondent no.1 and Mr. Bajaj, who appears for the petitioner, say that the controversy can be set to rest if this Court were to appoint a sole Arbitrator.
5. To be noted, respondents no.2 to 4 are the members of the incumbent Arbitral Tribunal.

6. This issue has arisen in view of the fact that, there was, it appears some dispute amongst the members of the Arbitral Tribunal.
7. It is also not in dispute that the matter was reserved for rendering an award on 25.4.2017.
8. Given these circumstances, learned counsel for the contesting parties i.e. the petitioner and respondent no.1 appear to have taken the aforesaid position i.e. to terminate the mandate of the incumbent Arbitral Tribunal and substitute the same with sole Arbitrator.
9. Accordingly, the mandate of the incumbent Arbitral Tribunal is terminated.
10. Hon'ble Mr. Justice A.K. Sikri, former Judge of the Supreme Court is appointed as a sole Arbitrator.
11. The learned Arbitrator will commence proceedings from the stage at which the matter is, presently, positioned.
12. The learned Arbitrator will be paid his fee in terms of the provisions of the Fourth Schedule appended to the Arbitration and Conciliation Act, 1996.
13. The petition is disposed of with the aforesaid terms.
14. The Registry will dispatch a copy of this order to the learned Arbitrator.

RAJIV SHAKDHER, J.

MARCH 08, 2019

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