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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 839/2019

KAILASH CHAND GIAN CHAND JAIN

..... Petitioner

Through Mr. R. Aditya & Mr. Mantosh
Kumar, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through Mr. Himanshu Upadhyaya, Mr. Shivam
Tripathi & Mr. Sandeep Sidhu, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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05.02.2020

1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the differences and disputes which have arisen between the parties in respect of the Agreement dated 07.08.1979.

2. Learned counsel for the petitioner submits that even though the present petition has been filed under Section 11 of the Act, the same may be treated as a petition under Sections 14 & 15 of the Act, as the primary prayer in the petition is for appointing a new Arbitrator in lieu of the earlier Arbitrator appointed by this Court namely Mr. Anuj Prakash, who had resigned on account of his illness and has since expired.

3. Learned counsel for the respondents does not oppose the petition.
4. Keeping in view the fact that admittedly, despite the appointment of successive Arbitrators, the dispute between the parties has still not been adjudicated, I am inclined to allow the petitioner's prayer.
5. The petition is accordingly allowed. As the parties have jointly prayed for the appointment of a retired Engineer as the Sole Arbitrator, Mr. K.B. Rajoria (Retd. Engineer) is appointed as the Sole Arbitrator to adjudicate the disputes and differences which have arisen between the parties in reference to agreement dated 07.08.1979.
6. The arbitration shall be conducted under the aegis of the Delhi International Arbitration Centre (DIAC). The fees payable to the learned arbitrator shall be in accordance with the Schedule of fees prescribed under the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules.
7. Before commencing arbitration proceedings, the Arbitrator will ensure compliance of Section 12 of the Arbitration and Conciliation Act, 1996.
8. A copy of this order be sent to Delhi International Arbitration Centre (DIAC) as also to the learned Arbitrator.
9. In view of the fact that the matter is pending for the last many years, the Arbitrator is requested to expeditiously deal with the matter.

10. The petition is disposed of in the aforesaid terms.

FEBRUARY 05, 2020/sr

REKHA PALLI, J