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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (T) (COMM.) 7/2020 & I.As. 1849/2020, 1850/2020,
1851/2020

MRS. SUSHMA NAGPAL & ANR. Petitioners
Through: Mr. Mukesh M. Goel, Adv.

versus

ANISH BUILDWELL PVT. LTD. Respondent
Through: Mr. Ravi Gopal, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **24.02.2020**

1. The present petition under Section 14 and 15 of the Arbitration and Conciliation Act filed by the claimant seeks termination of the mandate of the present Arbitrator namely Shri Sumeet Kachwaha, who was appointed as the sole arbitrator to adjudicate the differences between the parties pursuant to an order passed by this Court on 15.10.2018 in Arbitration petition No. 352/2018.
2. Pursuant to the aforesaid order, the arbitration proceedings are being conducted by Sh. Sumeet Kachwaha, Advocate under the aegis of the Delhi International Arbitration Centre. The primary grievance as articulated by learned counsel for the petitioner on 10.02.2020 was that the learned arbitrator was passing orders in the absence of counsel. It was also urged that the learned arbitrator had vide its order dated 17.01.2020 appointed one Mr. Pankaj Chandani, a government approved valuer and Architect as an expert to visit the site and determine the total value of construction done by the respondent in the property in question as on 04.08.2017 when the work contract

between the parties stood terminated.

3. In the light of the aforesaid grievance raised by the petitioner specially regarding the passing of orders in the absence of the counsel, the matter was adjourned to enable learned counsel for the petitioner to give intimation to the learned counsel for the respondent about the present proceedings, pursuant thereto, learned counsel for the respondent has entered appearance. He vehemently, opposes the petition and submits that the contention of the petitioner that the orders are being passed in the absence of the factually incorrect and therefore, prays that the petition be dismissed with exemplary costs.

4. At this stage, learned counsel for the petitioner seeks liberty to withdraw the petition but prays that it may be clarified that besides the report as may be submitted by Mr. Pankaj Chandani, the report of M/s Raj Engineers, relied upon by the petitioner may also be taken into the cognizance while passing the award.

5. Learned counsel for the respondent has no objection to the said request. Accordingly, while dismissing the petition as not pressed, it is clarified that while passing the arbitral award, the report dated 23.10.2017 furnished by M/s Raj Engineers will also be considered besides any other request available on record as the learned Arbitrator may find relevant.

6. The petition is dismissed as withdrawn with the aforesaid clarification.

REKHA PALLI, J

FEBRUARY 24, 2020/rhc