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

+ **O.M.P. (T) (COMM.) 9/2020**

UNION OF INDIA

..... Petitioner

Through: Ms.Monika Arora, CGSC with
Mr.Kushal Kumar & Ms.Meghna
Sharma, Advs.

versus

DSC LIMITED

..... Respondent

Through: Mr.Anil Seth, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **11.02.2020**

IA No.1946/2020 (for exemption)

1. Exemption allowed, subject to all just exceptions. The application is disposed of.

O.M.P. (T) (COMM.) 9/2020 & IA No.1947/2020 (for stay)

2. The present petition under Section 14 of the Arbitration and Conciliation Act, 1996 seeks termination of the mandate of the sole Arbitrator, Dr. Brahm Avtar Aggarwal, appointed by this Court vide its order dated 09.08.2019 for adjudication of the disputes between the parties in relation to the agreement dated 02.02.2011.

3. Learned counsel for the petitioner submits that the petitioner is aggrieved by the manner in which the learned Arbitrator is conducting the proceedings, as he has framed the issues, without taking into account the issue regarding abandonment of work which was

specifically pressed by the petitioner. She further submits that the learned Arbitrator has, immediately after framing of issues on 15.11.2019, listed the matter for arguments without giving the petitioner an opportunity to lead evidence.

4. Issue notice. Learned counsel for the respondent, who appears on advance notice, accepts notice. While opposing the petition, he submits that the issue pressed by the petitioner was duly considered by the learned Arbitrator while framing the issues on 15.11.2019 as is evident from issue No.IV &V framed by him. He fairly submits that he has no objection to the petitioner being granted an opportunity to lead evidence. He also suggests that, in order to avoid any objection from either side regarding the manner in which proceedings are being conducted, the arbitration proceedings be directed to be conducted under the aegis of Delhi International Arbitration Centre (DIAC).

5. In the light of the stand taken by learned counsel for the respondent, the learned counsel for the petitioner, on instructions, submits that in case the petitioner is granted leave to lead evidence and, in case, further arbitration proceedings are directed to be held under the aegis of the DIAC, the petitioner has no objections to Dr. Brahm Avtar Aggarwal continuing as the sole Arbitrator. Learned counsel for the petitioner is agreeable to the said suggestion.

6. Accordingly, the petition is disposed of by directing that further arbitration proceedings be conducted by the learned Arbitrator under the aegis of DIAC. The learned Arbitrator will, before hearing arguments grant an opportunity to the parties to lead their evidence in accordance with law. It is clarified that no interference is called for

with the order dated 15.11.2019 vide which issues were framed by the learned Arbitrator.

7. Since I am informed that the matter is listed before the learned Arbitrator today, he is requested to adjourn the matter to any other date convenient to him as also to the parties and thereafter proceed with the matter under the aegis of DIAC.

8. The petition is disposed of along with the pending application.

FEBRUARY 11, 2020/gm

REKHA PALLI, J