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

+ O.M.P.(T) (COMM.) 29/2020

NEW OM CONSTRUCTION CO. Petitioner

Through: Mr. Ankit Gupta, Adv.

versus

UNION OF INDIA Respondent

Through: Mr. Jivesh Kumar Tiwari, Adv.
Sr.Panel Counsel

CORAM:

HON'BLE MR. JUSTICE C .HARI SHANKAR

ORDER (ORAL)

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03.09.2020

(video-conferencing)

O.M.P. (T) (COMM.) 29/2020

1. This petition has been preferred under Section 15(2) of the Arbitration & Conciliation Act, 1996, for appointment of a substitute arbitrator, as Mr. K.K. Gupta, the learned Sole Arbitrator who had been appointed to adjudicate on the disputes between the parties, had superannuated without passing of award in the matter.

2. Reply and rejoinder had been filed. In the rejoinder, the petitioner has submitted that he has no objection to the appointment of Mr. S.S. Bansal, Additional Director (General) of the respondent, as the substitute arbitrator in place of Mr. K.K. Gupta, and as suggested *vide* the letter dated 28th August, 2020 of the respondent.

3. Mr. Ankit Gupta, learned Counsel for the petitioner submits that, in view thereof, nothing survives for adjudication in this petition which may be disposed of accordingly.

4. In these circumstances, Mr. S.S. Bansal, Additional Director (General) of the respondent department, is appointed, by consent, as substitute arbitrator, in place of Mr. K.K. Gupta, who was conducting the arbitral proceedings thus far.

5. Learned Counsel for the parties are *ad idem* that, while Mr Bansal would not be required to re-record the evidence already recorded, final arguments in the matter may be addressed before him *de novo*.

6. Accordingly, Mr. Bansal would take over the proceedings from the stage of hearing of final arguments, whereafter he would proceed to pass the award in the matter.

7. The petition stands disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

SEPTEMBER 03, 2020/kr