

\$~7 (original side)

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

Decided on 10th July, 2020

+ **OMP(T)(COMM) 31/2020 & I.A. 5384/2020, I.A. 5385/2020**

MDP INFRA INDIA PVT LTD

...Petitioner

Through: **Mr. Amitej Kumar Nagar, Adv.**

versus

SHRI RAM COLLEGE OF COMMERCERespondent

Through: **Mr. Amit Bansal and Ms. Vipasha Mishra, Adv.**

CORAM:

HON'BLE MR. JUSTICE C .HARI SHANKAR

ORDER (ORAL)

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10.07.2020

(Video-Conferencing)

C .HARI SHANKAR, J.

I.A. 5384/2020

1. This application, by the petitioner, seeks exemption from filing attested/duly sworn affidavit and extension of time to pay court fee.

2. In view the restrictions imposed consequent on the Covid-2019 pandemic, and the administrative order dated 4th April, 2020, passed by this Court, on the administrative side, this application is allowed, subject to the petitioner filing affirmed affidavit and depositing court

fee within 72 hours of resumption of normal Court work.

3. The application is disposed of.

I.A. 5385/2020

Allowed, subject to all just exceptions. The application stands disposed of.

OMP(T)(COMM) 31/2020

1. This is a petition under Section 14 read with Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “1996 Act”) for appointment of a substitute arbitrator, as the mandate of the earlier sole arbitrator, who has been appointed by this Court, stands terminated, consequent to the learned arbitrator expressing his inability to continue with the proceedings in view of his age.

2. Though, strictly speaking, under Section 15(2) of the 1996 Act, the procedure, contemplated in the agreement between the parties would have to be revitalized for appointing a substitute arbitrator, given the fact that the earlier learned sole arbitrator was appointed by this Court, learned counsel for the parties are *ad idem* that the substitute arbitrator could also be appointed by this Court, through the aegis of the Delhi International Arbitration Centre (DIAC), so that delay in the proceedings is avoided.

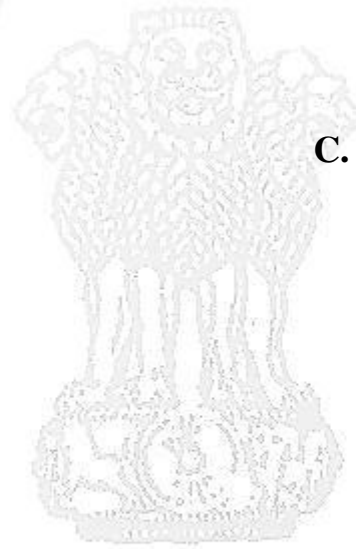
3. The suggestion is well taken, and merits acceptance.

4. Accordingly, the parties are referred to the DIAC and are permitted to contact the coordinating officials of the DIAC, at their respective email IDs and phone numbers, within two days, so that the substitute arbitrator could be appointed, in accordance with the procedure adopted by the DIAC in that regard.

5. In view of the aforesaid directions, this petition stands disposed of.

JULY 10, 2020
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C. HARI SHANKAR, J.



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