

via video conferencing

\$~6

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

+ O.M.P. (T)(COMM) 41/2020

NARESH TEXTILES

..... Petitioner

Through: Mr. Ashish Khorana, Adv.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Abhay Prakash Sahay, CGSC
with Ms. Mannu Singh and M.s Indira Goswami,
Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **03.09.2020**

I.A. 7699/2020 (exemption)

1. Allowed, subject to all just exceptions.

I.A. 7700/2020 (delay in re-filing)

2. This is an application filed by the petitioner seeking condonation of seven days delay in re-filing the petition.

3. For the reasons stated in the application, the same is allowed.

O.M.P. (T)(COMM) 41/2020

4. This is a petition under Section 14 of the Arbitration and

Conciliation Act, 1996 (here-in-after 'the Act') seeking appointment of a substitute Arbitrator as the earlier Arbitrator, appointed by this Court, has expressed her inability to continue on account of personal reasons.

5. Issue notice. Mr. Sahay, learned CGSC accepts notice and fairly does not oppose the petition.

6. In view of the admitted position that the disputes between the parties are required to be adjudicated through arbitration and the arbitrator appointed by this Court has expressed her inability to continue with the matter, the petition is allowed by appointing Ms.Kamlakshi Singh Chauhan, Advocate (Mob:-98734-08273) as the sole Arbitrator for adjudication of the disputes and differences which have arisen between the parties in relation to the acceptance of tender dated 28.07.2014.

7. Before commencing arbitration proceedings, the learned Arbitrator will ensure the compliance of Section 12 of the Act. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre (DIAC) and the fees of the learned arbitrator shall be determined by the Rules thereof.

8. It is made clear that this Court has not examined the rival claims of the parties on merits and it will, therefore, be open for them to file claims/counter claims and raise all pleas permissible in law, before the learned Arbitrator, which will be decided in accordance

with law.

9. A copy of this order be sent to Delhi International Arbitration Centre (DIAC) as also to the learned Arbitrator through electronic means.

10. The petition stands disposed of.

SEPTEMBER 3, 2020

'sdp'

REKHA PALLI, J.