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

+ **ARB.P. 886/2021 & I.A. 11664/2021**

**KCC BUILDCON PVT. LTD. THROUGH
ITS DIRECTOR SHRI SHIVRAJ KUNDU** Petitioner
Through **Mr. Prakash Singh, Adv.**

versus

GOVERNMENT OF NCT OF DELHI & ORS.... Respondents
Through **Mr. Shlok Chandra, Advocate**
for GNCTD

**CORAM:
HON'BLE MR. JUSTICE C .HARI SHANKAR**

O R D E R (ORAL)

13.09.2021

(Video-Conferencing)

I.A. 11664/2021

1. Allowed, subject to all just exceptions.
2. The application is disposed of

ARB.P. 886/2021

3. Both sides submit that the arbitral proceedings before Hon'ble Mr. Justice Anil Kumar (retired), the arbitrator earlier appointed to arbitrate on the disputes between the parties, stood concluded and the award was reserved when Hon'ble Mr. Justice Anil Kumar (retired) unfortunately expired.

4. As such, it is necessary that a substitute arbitrator is appointed.

ARB.P. 886/2021

Page 1 of 2

5. In view thereof, this Court appoints Hon'ble Mr Justice Sudershan Kumar Misra (Cell No.: 9810039724), a learned retired Judge of this Court, as the arbitrator to arbitrate on the disputes between the parties. It would be for the arbitrator to decide the stage, from which he would prefer to continue the proceedings.

6. The fees payable to Hon'ble Mr Justice Anil Kumar would continue to apply to Hon'ble Mr Justice Sudershan Kumar Misra.

7. The substitute Arbitrator is requested to furnish the requisite disclosure under Section 12(2) of the Arbitration and Conciliation Act, 1996 within a week of entering on reference.

8. In my view, it would be appropriate for the substitute Arbitrator to call for the record of the arbitration which was earlier being conducted by Hon'ble Mr Justice Anil Kumar.

9. This petition stands disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

SEPTEMBER 13, 2021

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