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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (T) (COMM.) 8/2024

GUPTA BROS. (INDIA)

..... Petitioner

Through: Mr. Vinod Kumar, Adv.

versus

GAIL INDIA LTD.

..... Respondent

Through: Mr. Nikhilesh Krishnan & Ms. Ritika
Priya, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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22.03.2024

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner - Gupta Bros. (India) under Section 15(2) of the Arbitration and Conciliation Act, 1996 (*hereinafter, '1996 Act'*) seeking appointment of a new Arbitrator, in view of the recusal of the earlier Arbitrator vide letter dated 21st October, 2023.
3. There are two matters, which are connected, relating to construction of Office Building and Guest House at Rajahmundry and at Vadodara, Gujarat. Both matters were going on before the same Id. Arbitrator. However, in the Rajahmundry matter, the award was passed on 31st July, 2023.
4. In view of the same, the Id. Arbitrator has resigned in order to give the Petitioner a fair opportunity, as she has already taken a view in the matter.
5. Mr. Nikhilesh Krishnan, Id. Counsel appearing for the Respondent in its reply has suggested certain names of individuals that may be appointed as



arbitrators. However, the Petitioner, appearing in person, submits that the Court may appoint any arbitrator.

6. Considering that the claim and counterclaim is to the tune of Rs.8 crores, accordingly **Mr. Jayant Nath (Retd.) [M:8527959494]** is appointed as the Id. Sole Arbitrator in this matter to adjudicate the disputes between the parties.

7. The proceedings shall start from the stage where the earlier Arbitrator left the matter. The fees payable shall be fixed by the Id. Arbitrator.

8. The petition is accordingly disposed of, in the above terms.

PRATHIBA M. SINGH, J.

MARCH 22, 2024

Rahul/dn