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

+ O.M.P. (T) (COMM.) 16/2024 & I.A. 4108/2024

M/S RELIGARE HOUSING DEVELOPMENT FINANCE
CORPORATION LTD

..... Petitioner

Through: Mr. Manu Bansal, Advocate.

versus

M/S PROGRESSIVE MEGASTRUCTURES PVT. LTD. & ORS.

..... Respondents

Through: Mr. Arvind Jadon and Ms. Pallavi
Jadon, Ms. Taru Saxena, Advocates
via video-conferencing.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

21.02.2024

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By way of the present petition filed under section 15(2) of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks substitution of the Sole Arbitrator appointed *vide* order dated 12.12.2023 in ARB.P 868/2023, on the ground that *vide* communication dated 05.01.2024, the learned Sole Arbitrator appointed has, expressed his inability to proceed with the matter since he had represented one of the entities concerned with the disputes.

2. Issue notice.
3. Mr. Arvind Jadon, learned counsel appears on behalf of the respondents *via* video-conferencing on advance copy; accepts notice; and does not oppose the petition.
4. In view of the above, the learned Sole Arbitrator appointed *vide* order dated 12.12.2023 is discharged as Arbitrator in the matter.
5. Accordingly, the present petition is allowed and **Mr. C. Mohan Rao, Senior Advocate (Cellphone No.: +91 9811111543)** is appointed as



the learned Sole Arbitrator to adjudicate upon the disputes between the parties.

6. The learned Sole Arbitrator would furnish to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
7. The learned Arbitrator shall be entitled to fee in accordance with Fourth Schedule to the A&C Act; or as may otherwise be agreed to between the parties and the learned Arbitrator.
8. Parties shall share the arbitrator's fee and arbitral costs, equally.
9. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.
10. Parties are directed to approach the learned Arbitrator appointed within 15 days/weeks.
11. A copy of this order be communicated by the Registry **via** e-mail to the learned Sole Arbitrator, as also to learned counsel for the parties.
12. The petition stands disposed-of in the above terms.
13. Other pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 21, 2024