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

+ **O.M.P. (T) (COMM.) 24/2024**

JANAPRIYA ENGINEERS SYNDICATE PVT. LTD. Petitioner

Through: **Mr. Ananga Bhattacharrya and Mr.
Krishanu Barua, Advocates**

versus

UNION OF INDIA

..... Respondent

Through: **Mr. Sashank Garg, CGSC with Ms.
Aradhya Chaturvedi and Ms. Nishtha
Jain, Advocates**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

20.03.2024

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1. Petition under Section 14 read with Section 15 of the Arbitration and Conciliation Act, 1996 has been filed for termination of the mandate of the Sole Arbitrator and for seeking appointment of a Substitute Arbitrator.
2. It is submitted that the petitioner has made a claim to the tune of Rs.64,65,50,514/-.
3. The learned Sole Arbitrator was appointed under Clause 60 of the GCC and he entered reference on 14.01.2015. The proceedings have been conducted by the learned Sole Arbitrator till 16.10.2018 when it was informed that due to superannuation on 30.11.2018 and due to personal/official commitments before superannuation, it may not be feasible to publish the Award before 30.11.2018. The Sole Arbitrator also expressed his willingness to continue as such in case the parties agreed and requested



the parties to submit their consent to that effect on or before 05. 11.2018. The consent was conveyed by both the parties.

4. The learned Sole Arbitrator advised the parties to pay his Arbitration fee equally sharing it amongst the parties. While the petitioner was willing to pay his 50 percent share but the respondent was sceptical as the learned Arbitrator had not disclosed while seeking the consent of the parties that he would be charging his fee post superannuation and no fee was payable to the learned Arbitrator.

5. It is submitted that the respondent had filed OMP T(COMM) 18/2023 before this Court seeking termination of a similar Arbitration proceedings being conducted before the same Sole Arbitrator in respect of another project under Section 14 read with Section 15 of the Arbitration and Conciliation Act, 1996 to substitute him from the standing panel of Arbitrators, which was allowed vide Order dated 11.01.2024.

6. The petitioner submits that he has sought the termination of the mandate of the learned Sole Arbitrator on the similar grounds on which it has been allowed in the application on behalf of the respondent in the other matter. It is therefore submitted that the mandate of the learned Sole arbitrator be terminated and a substitute Arbitrator be may be appointed to which learned counsel appearing on behalf of the respondent has no objection.

7. Submissions heard.

8. Considering the submissions made, Mr. Justice Hemant Gupta, Judge (Retired), Supreme Court of India (Mobile No.9780008108), is hereby appointed as the Arbitrator, to adjudicate the disputes between the parties.

9. The parties are at liberty to raise their respective objections before the



Arbitrator.

10. The fees of the learned Arbitrator would be fixed in accordance with the IV Schedule to the Act, 1996 or as consented by the parties.

11. This is subject to the Arbitrator making necessary disclosure as under Section 12(1) of A&C Act, 1996 and not being ineligible under Section 12(5) of the A&C Act, 1996.

12. Learned counsels for the parties are directed to contact the learned Arbitrator within one week of being communicated a copy of this Order to them by the Registry of this Court.

13. The petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

MARCH 20, 2024/PT