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

+ **O.M.P. (T) (COMM.) 25/2024**

DELHI DEVELOPMENT AUTHORITY Petitioner
Through: Mr. Ashim Shridhar & Ms. Radhika
Gupta, Advs. (M: 8745971372)
versus

SHRI SAI NATH ENTERPRISES Respondent
Through: Ms. Anumeha Singhai, Adv. (M:
9407510033)

37

AND

+ **O.M.P.(MISC.)(COMM.) 241/2024**

DELHI DEVELOPMENT AUTHORITY Petitioner
Through: Mr. Ashim Shridhar & Ms. Radhika
Gupta, Advs.
versus

SHRI SAI NATH ENTERPRISES Respondent
Through: Ms. Anumeha Singhai, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **20.03.2024**

1. This hearing has been done through hybrid mode.

I.A.6583/2024 (for exemption) in O.M.P.(T)(COMM.) 25/2024

I.A.6551/2024 (for exemption) in O.M.P.(MISC.)(COMM.) 241/2024

2. These are applications seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, left side margins, electronic documents, etc., Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act and the DHC (Original Side)



Rules, 2018.

3. Exemption is allowed, subject to all just exceptions.

4. Accordingly, the applications are disposed of.

O.M.P.(T)(COMM.) 25/2024

O.M.P.(MISC.)(COMM.) 241/2024

5. These are two petitions filed by the parties. First petition i.e., ***O.M.P. (T)(Comm) 25/2024*** filed under Section 14 and Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter, '*the Act*'), seeking termination of mandate of the Arbitrator and appointment of fresh Arbitrator. The second petition i.e., ***O.M.P.(MISC.)(COMM.) 241/2024*** filed under Section 29A of the Act seeking extension of mandate of the Arbitrator Tribunal.

6. It is seen that the disputes were referred to arbitration on 25th May, 2018 and evidence has been recorded. At this stage, vide letter dated 11th January, 2024 the Id. Arbitrator has recused from all pending matters in the Delhi International Arbitration Centre ('DIAC') owing to health issues.

7. The letter dated 11th January, 2024 has been perused by the Court. Considering that the Id. Arbitrator has voluntarily resigned, a fresh Arbitrator would have to be appointed in the matter. Accordingly, **Justice S.P. Garg (Retd.) (M:9910384627)**, is appointed as the Sole Arbitrator in these matters. The Id. Arbitrator shall commence the proceedings from the same stage at which the previous Arbitrator has left the matters. Fee shall be adjusted between the old and new Arbitrator as per the DIAC Rules.

8. Both Counsels agree that the evidence has been recorded and only the final hearing is to be conducted. Let the arbitral record be obtained by the DIAC and be placed before the new Arbitrator.

9. Since the mandate of the Id. Arbitrator has now expired, the mandate



of the new Id. Arbitrator in the matters is extended till 31st December 2024.

10. Both the petitions are disposed of. All pending applications are also disposed of.

11. List before the DIAC on 2nd April, 2024.

12. Let a copy of the present order be emailed to Secretary, DIAC on email id- delhiarbitrationcentre@gmail.com.

PRATHIBA M. SINGH, J.

MARCH 20, 2024/dk/bh