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

+ **O.M.P. (T) (COMM.) 32/2024**

GH CRANES INDIA PVT LTD

..... Petitioner

Through: Mr Pawan Prakash Pathak, Mr Monu
Kumar and Mr Sumit, Advs.

versus

ISGEC HEAVY ENGINEERING LIMITED Respondent

Through: Mr J K Bhola, Adv. (through VC)
with Mr Ankit Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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09.04.2024

I.A. 7973/2024

1. Exemption is granted subject to all just exceptions.
2. The petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.
3. The application is disposed of.

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4. This is a petition seeking substitution of the Arbitrator in view of the order dated 29.02.2024 wherein the learned Sole Arbitrator appointed by this Court rescued herself.
5. Issue notice.
6. Mr Bhola, learned counsel accepts notice on behalf of the respondent and states that he has no objection to the petition being allowed.



7. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-

- i) Justice A.K. Chawla (Retd.) (Mob. No. 9910384636) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC').
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
- v) The parties shall approach the learned Arbitrator within two weeks from today.
- vi) I am informed that the arbitration proceedings are at the stage of admission/denial of documents and for framing of issues. For the said reasons, learned Arbitrator is requested to proceed from the stage where the earlier Arbitrator had left the proceedings.
- vii) The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- viii) The parties are directed to collect the arbitral records from the earlier Arbitrator and deposit it with the DIAC.



8. This court while allowing the petition has not commented on the merits of the matter and has only passed the present order in view of the ‘no objection’ of the respondent.

APRIL 9, 2024/sr

JASMEET SINGH, J

Click here to check corrigendum, if any