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

+ **O.M.P. (T) (COMM.) 44/2024 and I.A. 10903/2024**

SUPREME INFRASTRUCTURE INDIA LIMITED Petitioner

Through: Appearance not given.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Dr. B. Rangaswamy, Adv. with Ms.
Rashi Mangal, GP (M:
8384924556).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **14.05.2024**

1. This hearing has been done through hybrid mode.
2. This is a petition has been filed by the Petitioner - Supreme Infrastructure India Limited under Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter, '*the Act*') seeking appointment of a substitute Id. sole Arbitrator. The dispute in present case relates to contract agreement dated 9th February, 2011 construction of Dwelling Units at Barrackpore, Kancharapara, Kankinara, West Bengal for a value of more than Rs.71 crores.
3. According to the Petitioner, the construction was to be completed in four phases out of which three phases have been completed. It is stated that the Petitioner encountered various obstacles at the work site, causing delays in completion and the same were reported to the Respondent. It is averred that requests for extensions were made by the Petitioner and were granted by



the Respondent, acknowledging the reasons for the delays. Vide letter dated 19th August 2017, the Petitioner informed the Respondent of the difficulties faced and requested further extension, despite the project being 90% complete. However, on 23rd January, 2018, the Respondent indicated an intent to terminate the contract due to the expiry of the extended Period for Defects Correction. Thereafter, in another letter dated 19th February, 2018, the Respondent granted an extension to the Petitioner for completion of work until 5th March, 2018. Eventually on 5th March, 2018, the Respondent is stated to have terminated the contract leading to the dispute between the parties. Thereafter, a petition under Section 11 of the Act was filed and vide order dated 6th July, 2023, Justice A.M. Khanwilkar (Retd.) was appointed as Id. Sole Arbitrator in this matter.

4. Ld. Arbitrator entered reference and few proceedings took place. The statement of claim was filed and a statement of defense was to be filed. At that stage, vide letter dated 28th February, 2024, Id. Arbitrator expressed his unavailability to continue as Id. Arbitrator in the said matter. In view thereof, the present petition has been filed.

5. Ld. Counsel for the Petitioner submits that a new substitute Arbitrator may be appointed. Ld. Counsel for the Respondents has no objection in appointment of a fresh Id. Arbitrator. Accordingly, **Justice Ravindra Bhat (M: 9818000160)** is appointed as a Id. Sole Arbitrator, on the same terms.

6. Parties to appear before the Id. Sole Arbitrator on 5th July, 2024.

7. Petition is disposed of with all pending applications, if any.

PRATHIBA M. SINGH, J.

MAY 14, 2024/mr/bh