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

+ O.M.P. (T) (COMM.) 93/2023

GREESH KUMAR BANSAL & ANR. Petitioner

Through: Mr. Sandeep Agarwal, Sr. Adv., Ms.
Niyati Kohli, Mr. Pratham Vir
Agarwal and Ms. Tanya, Advs.

versus

ASIAN HOTELS (NORTH) LIMITED Respondent

Through: Mr. Saurabh Kirpal, Sr. Adv., Ms.
Manyaa Chandok, Ms. Harleen Kaur
Rait, Ms. Molly Agarwal and Ms.
Satakshi Jain, Advs.

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+ O.M.P.(MISC.)(COMM.) 389/2023

ASIAN HOTELS (NORTH) LIMITED Petitioner

Through: Mr. Saurabh Kirpal, Sr. Adv., Mr.
Sidhant Kumar, Ms. Manyaa
Chandok, Ms. Harleen Kaur Rait, Ms.
Satakshi Jain, Ms. Molly Agarwal,
Advs.

versus

GREESH KUMAR BANSAL & ANR. Respondent

Through: Mr. Sandeep Agarwal, Sr. Adv., Ms.
Niyati Kohli, Mr. Pratham Vir
Agarwal and Ms. Tanya, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

22.02.2024

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I.A. 19389/2023-EX.

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.



O.M.P. (T) (COMM.) 93/2023

4. This is a petition under Section 14 of the Arbitration and Conciliation Act, 1996 seeking termination of mandate of the Ld. Arbitrator in respect of the arbitration proceedings between the parties and appointment of a substitute Sole Arbitrator.

5. Mr. Agarwal, learned senior counsel on instruction of Ms. Kohli, learned counsel for the petitioner seeks to withdraw the petition with liberty to raise objection regarding the bias of the Sole Arbitrator in accordance with Sections 12 and 13 of the Arbitration and Conciliation Act, 1996.

6. Since the mandate of the arbitral tribunal had expired, the present petition was filed in this Court.

7. Since the mandate of the arbitral tribunal is being extended, Mr. Agarwal, learned senior counsel on instructions states that he will file an application under Sections 12 and 13 within two weeks from today.

8. The learned senior counsel states that O.M.P. (T) (COMM.) 93/2023 may be treated as the petitioners' application under Sections 12 and 13 of the Act.

9. Granting the aforesaid liberty, the present petition is disposed of.

O.M.P.(MISC.)(COMM.) 389/2023

10. This is a petition under Section 29A (4) and (5) of the Arbitration and Conciliation Act, 1996 seeking extension of the mandate of the Ld. Sole Arbitrator for a period of three months from 12.08.2023 to 12.11.2023 for passing the arbitral award.

11. With consent of parties, the mandate of the arbitral tribunal is extended for a period of six months from today to make and publish the arbitral award.



12. In case the arbitrator allows the application filed by the respondent under Sections 12 and 13 of the Arbitration and Conciliation Act, 1996, the parties shall be free to approach this Court for appointment of a Substitute Arbitrator. The rights and contentions of the parties are left open.

13. Before proceedings to pronounce the award, if any, the Sole Arbitrator shall deal with the applications proposed to be filed by the respondent under Sections 12 and 13 of the Act, in accordance with the law.

14. With above observations, the petition is disposed of.

JASMEET SINGH, J

FEBRUARY 22, 2024/NG

Click here to check corrigendum, if any