



2024:DHC:5403



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **O.M.P. (T) (COMM.) 121/2023 & I.A. 26097/2023****RAEBAREILLY ALLAHABAD HIGHWAY PVT LTD**

.....Petitioner

Through: Mr. Faisal Zafar, Adv.

versus

NATIONAL HIGHWAY AUTHORITY OF INDIA

.....Respondent

Through: Mr. Rajshekhar Rao, Sr. Adv.
with Ms. Jaya Rukhaiyar and Ms. Aashna
Chawla, Advs.**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****ORDER (ORAL)****22.07.2024**

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1. During the course of hearing, Mr. Rajshekhar Rao, learned Senior Counsel for the respondent, submits that, if the petitioner is willing to withdraw all the allegations that he has made against the members of the learned Arbitral Tribunal presently in *seisin* of the disputes between the parties, he is agreeable to the petitioner's suggestion that the disputes may be referred to arbitration by a sole arbitrator to be appointed by the Court.

2. Mr. Faisal Zafar, learned Counsel for the petitioner, on instructions, agrees to withdraw all the allegations against the members of the learned Arbitral Tribunal, subject to the above.

3. Accordingly, the allegations raised by the petitioner in the

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communication with the learned Arbitral Tribunal as well as in the present petition shall be treated as withdrawn.

4. This Court requests Hon'ble Mr. Justice S. Ravindra Bhat (Tel: 9818000160), an eminent former judge of the Supreme Court of India and former Chief Justice of the High Court of Rajasthan, who also adorned the Bench of this Court, to arbitrate on the disputes between the parties.

5. The learned Arbitrator shall continue with the proceedings from the stage at which they are presently.

6. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on the reference.

7. The fees of the learned Arbitrator shall be as per the Fourth Schedule of the 1996 Act or as otherwise fixed after consultation with the parties.

8. This petition stands, with consent, disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

JULY 22, 2024

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Click here to check corrigendum, if any

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