



\$~26

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

+ **O.M.P. (T) (COMM.) 17/2024**

JAIDEEP SINGH

..... Petitioner

Through: None.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD
with Ms. Arshya Singh, Mr. Yash
Upadhyay and Mr. Siddhant Dutt,
Advocates for R1- to R5.
Mr. Dinesh Kumar, Sr. Asst. from Dr.
Baba Saheb Ambedkar Hospital.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

26.02.2024

%

I.A. 4400/2024 (Exemption)

Exemption granted, subject to just exceptions.

Application stands disposed-of.

I.A. 4401/2024(condonation of delay)

By way of the present application filed on the principles of section 151 of the Code of Civil Procedure 1908, the petitioner seeks condonation of 125 days' delay in *re-filing* the petition.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. Delay in *re-filing* the petition is condoned.
4. The petition is taken on Board.



5. The application stands disposed-of.

O.M.P. (T) (COMM.) 17/2024

6. No one is present on behalf of the petitioner when the matter is called-out even on second call.
7. By way of the present petition filed under sections 14 and 15 of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks termination of the mandate of the learned Sole Arbitrator appointed *vide* order dated 02.05.2022 made in O.M.P.(T)(COMM.) No. 47/2022 titled *Jaideep Singh vs. Government of NCT of Delhi & Ors.*, since the learned Arbitrator has since recused from the proceedings, as recorded in order dated 16.06.2023 made by the learned Arbitrator.
8. The learned Arbitrator has observed, that since in another matter he has already taken a view and rendered an arbitral award allowing claims against the present respondent, he does not wish to act in the present case in view of item 24 of the Fifth Schedule to the A&C Act¹.
9. Mr. Anuj Aggarwal, learned counsel appears on behalf of the respondents on advance copy; and does not oppose the prayer made in the petition.
10. In view thereof, despite the petitioner not being represented in the matter today, the petition is allowed.
11. The mandate of the learned Sole Arbitrator appointed *vide* order dated 02.05.2022 in O.M.P.(T)(COMM.) No. 47/2022 is terminated.

¹ 24. The arbitrator currently serves, or has served within the past three years, as arbitrator in another arbitration on a related issue involving one of the parties or an affiliate of one of the parties.



12. Accordingly, the present petition is allowed and **Mr. Abhishek Batra, Advocate (Cellphone No.: +91 9650061982)** is appointed as the learned Sole Arbitrator to adjudicate upon the disputes between the parties
13. The learned Sole Arbitrator would furnish to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
14. The learned Sole Arbitrator shall be entitled to fee in accordance with Fourth Schedule to the A&C Act; or as may otherwise be agreed to between the parties and the learned Sole Arbitrator.
15. Parties shall share the arbitrator's fee and arbitral costs, equally.
16. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Sole Arbitrator on their merits, in accordance with law.
17. Parties are directed to approach the learned Sole Arbitrator appointed within 15 days.
18. A copy of this order be communicated by the Registry to the learned Sole Arbitrator, as also to learned counsel for the parties.
19. The petition stands disposed-of in the above terms.
20. Other pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 26, 2024

V.Rawat