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

+ O.M.P. (T) (COMM.) 96/2024
Y.K.GOYAL

.....Petitioner

Through: Mr. J.K.Nayyar, Adv.
versus

DELHI URBAN SHELTER IMPROVEMENT BOARD & ORS.

.....Respondents

Through: Mr. Anuj Chaturvedi and Ms. Harshit
Maheshwari, Advs.
Mr. Abhilash Vashisht and Ms.
Mahima Anand, Advs.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER
30.09.2024

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IA No.40814/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

O.M.P. (T) (COMM.) 96/2024

3. This is a petition seeking substitution of the arbitrator appointed by this Court vide order dated 14.08.2023 in ARB.P.326/2023.
4. The present application has been occasioned since the appointed arbitrator has recused himself from the matter.
5. Respective counsel for the parties jointly submit that a substitute sole arbitrator be appointed to adjudicate the disputes between the parties.
6. Accordingly, as jointly prayed, Mr. Sudhir Kumar Sharma, Advocate, Mob. No.: 9811232930 is appointed as the Sole Arbitrator to adjudicate the dispute between the parties. The learned sole arbitrator is requested to resume the arbitral proceedings from the stage at which the matter stood



before the previous arbitrator.

7. The learned Sole Arbitrator may proceed with the arbitration proceedings subject to furnishing to the parties requisite disclosures as required under Section 12 of the A&C Act.

8. Respective counsel for the parties jointly submit that while fixing his fees, the learned arbitrator be directed to take into account the fact that substantial part of the arbitral proceedings have been conducted by the previous arbitrator. The parties shall be at liberty to make this request to the learned arbitrator.

9. Parties shall share the arbitrator's fee and arbitral cost, equally.

10. 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.

11. Needless to say, nothing in this order shall be construed as an expression of opinion of this court on the merits of the case.

12. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

SEPTEMBER 30, 2024/cl