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

+ **O.M.P. (T) (COMM.) 138/2024**

NEPAL SINGH

.....Petitioner

Through: **Mr. Amit Sharma, Advocate**
(Through VC)

versus

INDRAPRASTHA POWER GENERATION CO LTD.....Respondent

Through: **Mr. Varun Kalra, Advocate (Through VC)**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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21.11.2024

I.A. 45784/2024 (under Section 151 of CPC for exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

I.A. 45785/2024 (under Section 151 of CPC seeking condonation of delay of 13 days in re-filing the petition)

3. This is an application filed on behalf of the Petitioner under Section 151 of the Code of Civil Procedure, 1908 ('CPC') seeking condonation of delay of 13 days in re-filing the petition.
4. For the reasons stated in the application, the delay of 13 days in re-filing the petition is condoned.

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5. This is a petition filed under Sections 14 and 15 of the Arbitration and Conciliation Act, 1996 ('Act of 1996') seeking termination of the mandate



of the Sole Arbitrator appointed by this Court vide order dated 21.05.2024 and for appointment of another Sole Arbitrator for adjudication of the disputes arisen between the parties herein.

6. It is stated that since disputes arose between the parties, the Petitioner had invoked the arbitration clause vide legal notice dated 28.07.2023 and requested the appointment of an Arbitrator. However, because the parties could not reach consensus, the Petitioner filed a petition under Section 11 of the Act of 1996, being Arb. P. 236/2024 titled **Nepal Singh vs. Indraprastha Power Generation Co. Ltd.**, thereby, seeking appointment of a Sole Arbitrator. It is stated that vide order dated 21.05.2024 in the said Arb. P. 236/2024, this Court appointed Mr. Manish Chander Gupta, ADJ (Retd.) as the Sole Arbitrator to adjudicate the disputes between the parties and the matter was referred to Delhi International Arbitration Centre ('DIAC').

7. It is stated that however, Mr. Mahesh Chander Gupta, ADJ (Retd.) refused to accept his appointment as Sole Arbitrator, DIAC. It is stated that DIAC sought consent of the parties for appointment of another substitute Arbitrator. It is stated that though the Petitioner had assented to the appointment of a substitute Arbitrator by DIAC, however, the Respondent did not consent to an appointment by DIAC.

8. It is stated that in these facts, the Petitioner has been constrained to approach this Court for terminating the mandate of Mr. Mahesh Chander Gupta, ADJ (Retd.) and for appointing a substitute Arbitrator.

9. Learned counsel for the Petitioner states that the proceedings are at an initial stage and the statement of claim has not been filed as yet.

10. Issue notice. Mr. Varun Kalra, Advocate accepts notice on behalf of



the Respondent and enters appearance on advance service. He states that the Respondent has no objection to the relief sought in the application.

11. In the aforementioned facts, the mandate of Mr. Mahesh Chander Gupta, ADJ (Retd.) is hereby terminated and Ms. Samapika Biswal, Advocate [Phone No. 9406951592, Enrolment Number - Mah/514/2015, e.mail I. D. samapikabiswal91@gmail.com] is appointed as the Sole Arbitrator on the same terms and conditions, which were recorded in the aforementioned order dated 21.05.2024.

12. The arbitration will be conducted under the aegis of DIAC; however, the venue of the arbitration will be chambers/office of the Arbitrator.

13. The Petitioner is directed to file its statement of claim within four (4) weeks from today with DIAC.

14. With the aforesaid directions, the petition stands disposed of.

15. The registry is directed to send a copy of this order to DIAC as well as the Sole Arbitrator along with the copy of the order dated 21.05.2024 for necessary action.

MANMEET PRITAM SINGH ARORA, J
NOVEMBER 21, 2024/rhc/MG