

Court No. - 4

Case :- CIVIL MISC. ARBITRATION APPLICATION No. - 75 of 2024

Applicant :- M/S S.S. Construction Thru Sole Proprietor Shashi Shankar Singh

Opposite Party :- General Manager Northern Railway Baroda House New Delhi And Ors.

Counsel for Applicant :- Anshuman Srivastava, Sunil Sharma

Counsel for Opposite Party :- A.S.G.I.

Hon'ble Rajnish Kumar, J.

1. Heard.

2. This is an application under Section 11 (6) read with Section 15(2) of the Arbitration and Reconciliation Act, 1996 for the appointment of substitute arbitrator.

3. This Court had passed the following order dated 19.09.2024 and proposed the name of Hon'ble Mr. Justice O.N. Khandelwal (Former Judge of this Court) as proposed arbitrator:-

"Heard learned counsel for the parties.

This Court had passed the following order on 10.09.2024:-

"Heard Sri Sunil Sharma, learned counsel for the applicant and Sri S.B. Pandey, learned Deputy Solicitor General of India assisted by Sri Varun Pandey, learned counsel for the respondents.

Learned counsel for the parties submit that the parties had entered into an agreement on 28.04.2017. However, certain dispute arose therefore after following the due procedure of law, Hon'ble Mr. Justice S.C. Verma (Former Judge of this Court) was appointed as arbitrator by this Court by means of the order dated 29.10.2021 passed in Civil Misc. Arbitration Application No.1 of 2021. The sole arbitrator proceeded with the arbitration but on account of his sad demise, the mandate stand terminated and the applicant gave fresh notice for appointment of arbitrator on 01.05.2024. However, since there is no response, therefore the applicant has to approach this Court.

Learned counsel for the respondents seeks a week's time to seek instructions.

List on 19.09.2024 as fresh. "

Learned counsel for the respondent submits that he could not get any instructions and since the matter was already referred to arbitrator, therefore the arbitrator may be appointed to proceed in the matter.

In view of above, this Court proposes the name of Hon'ble Mr. Justice O.N.Khandelwal (Former Judge of this Court), resident of 1/17, Vishwas Khand, Gomti Nagar, Lucknow, Contact No.9935557745 as Arbitrator to settle the dispute between the parties.

Let the consent of Hon'ble Mr. Justice O.N.Khandelwal (Former Judge of this Court) be obtained by the office in terms of the provisions contained in Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1995 by sending a letter along with copy of this application to him, which shall be provided by the applicant within a week.

List this case after receipt of consent of the proposed arbitrator."

4. The proposed Arbitrator has sent his consent through letter dated 27.09.2024 in accordance with law.

5. In view of above Hon'ble Mr. Justice O.N. Khandelwal (Former Judge of this Court), resident of 1/17, Vishwas Khand, Gomti Nagar, Lucknow, Contact No.9935557745, is hereby appointed as an Arbitrator to decide the dispute between the parties herein.

6. The application is, accordingly, **disposed of**.

7. Let a copy of this order be communicated forthwith to Hon'ble Mr. Justice O.N.Khandelwal (Former Judge of this Court), resident of 1/17, Vishwas Khand, Gomti Nagar, Lucknow, Contact No.9935557745.

Order Date :- 21.10.2024

Satish