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A.No.468 of 2025
in
O.P. No.636 of 2012

Paramount Group Pvt. Ltd.

... Applicant

Vs.

M/s.Land Marvel Homes and Others

... Respondents

ABDUL QUDDHOSE.J.,

This application has been filed under Section 15 of the Arbitration and Conciliation Act, seeking for substituting the arbitrator appointed by this Court through its order dated 29.02.2024 passed in A.No.1152 of 2024 in Arb. O.P. No.636 of 2012 by another arbitrator.

2. Admittedly, the arbitration is in evidence stage. The arbitrator has already commenced recording the evidence of the claimant, i.e., the applicant herein. The applicant has participated in the arbitration pursuant to the order passed by this Court in A.No.1152 of 2024 in Arb. O.P. No.636 of 2012 dated 29.02.2024.

3. Only during the course of recording evidence, the applicant has expressed its difficulty in paying the arbitrator's fees. In the affidavit filed in support of this application, the applicant has stated that exorbitant fees has



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been sought for by the arbitrator. However, the same is disputed by the learned senior counsel appearing for the respondents, who would submit that only in accordance with the IVth schedule of the Arbitration and Conciliation Act, fees is being charged by the arbitrator. No evidence is also placed on record before this Court by the applicant to substantiate the claim of the applicant that the arbitrator is charging exorbitant fees, which is in excess of the fees fixed under schedule IV of the Arbitration and Conciliation Act.

4. On the last hearing date, to sort out the difference between the applicant and the arbitrator, this Court directed both the parties to meet the arbitrator before the next hearing date and make an attempt to sort out the difference as raised by the applicant in this application. However, as seen from the communication placed on record, which was sent to the petitioner as well as the respondents by the arbitrator and which is dated 12.03.2025, it is made clear that the applicant did not meet the arbitrator as directed by this Court despite a specific date having been fixed by the arbitrator for the said purpose.



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5. Since there is no proof to substantiate the allegations levelled against the arbitrator in this application and since the applicant has also not complied with the directions issued by this Court on 06.03.2025, this Court is of the considered view that there is no merit in this application.

6. Accordingly, this application is dismissed.

17.03.2025

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