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

+ O.M.P. (T) (COMM.) 15/2025

ERA INFRA ENGINEERING LIMITED

.....Petitioner

Through: Mr. Udit Seth and Mr. Vivek G.B.,
Advocates

versus

BHARTIYA RAIL BIJLEE COMPANY LIMITED.....Respondent

Through: Mr. Ashim Vachher, Sr. Adv with
Mr. Vaibhav Dabas, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **12.02.2025**

I.A. 3637/2025, I.A. 3638/2025 (Exemption)

Allowed, subject to all just exceptions.

O.M.P. (T) (COMM.) 15/2025

1. This Petition under Section 14 & 15 of the Arbitration Act has been filed by the Petitioner seeking substitution of the sole Arbitrator appointed by this Court *vide* Order dated 26.02.2019, in O.M.P. (T) (COMM.) 127/2018.
2. Material on record indicates that this Court *vide* Order dated 26.02.2019 appointed Hon'ble Mr. Justice Jagannadha Rao, former Judge Supreme Court of India, as the arbitrator to adjudicate on the disputes between the parties.
3. It is stated that on 25.11.2024, Hon'ble Mr. Justice Jagannadha Rao, former Judge Supreme Court of India, passed away. The Petitioner has,



therefore, approached this Court for appointment of substitute Arbitrator.

4. Accordingly, Justice Indira Banerjee, Former Judge, Hon'ble Supreme Court (Mob No.9560808777) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

5. The learned Arbitrator shall be entitled to fees as per the Fourth Schedule of the Arbitration & Conciliation Act, 1996.

6. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act, 1996 within a week of entering on reference.

7. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

8. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

9. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 12, 2025

Rahul