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

+ **O.M.P. (T) (COMM.) 24/2025**

BHAYANA BUILDERS PVT LTD

.....Petitioner

Through: Ms. Apoorva Neral and
Mr.Jappanpreet Hora, Advocates.

versus

BIRD AIRPORT HOTEL PVT LTD

.....Respondent

Through: Mr. Virender Mehta and Mr. Kunal
Mehta, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

02.04.2025

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I.A. 8548/2025

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

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3. This petition is preferred on behalf of the Petitioner under Section 15(2) of the Arbitration and Conciliation Act, 1996 ('1996 Act') for appointment of a substitute Arbitrator.
4. Disputes having arisen between the parties in respect of civil, structural and finishing works for construction of Project named 'Bird Airport Hotel' on Asset No. 10, Aerocity, Delhi, Petitioner invoked the Arbitration Agreement. On failure of the Respondent to appoint an Arbitrator, Petitioner filed ARB.P. No. 454/2013 in this Court under Section



11(6) of 1996 Act for appointment of an Arbitrator, which was allowed on 18.11.2015 and Mr. Justice R.V. Easwar, Former Judge of this Court was appointed as a Sole Arbitrator to adjudicate the disputes between the parties. This order was challenged by the Respondent before the Supreme Court and vide order dated 29.09.2022 in Civil Appeal No. 98/2017, Supreme Court upheld the order dated 18.11.2015. However, the learned Arbitrator has passed a procedural order dated 21.02.2025 recusing himself on ground of logistical difficulties, leading to the filing of the present petition.

5. Issue notice.

6. Mr. Virender Mehta accepts notice on behalf of the Respondent and on instructions, fairly submits that Respondent has no objection to appointment of a substitute Sole Arbitrator.

7. Accordingly, Mr. Justice P.S. Teji, Former Judge of this Court, (Mobile No. 9910384615) is appointed as a substitute Arbitrator in place of Mr. Justice R.V. Easwar (Retd.). Learned Arbitrator shall give a declaration under Section 12 of 1996 Act before proceeding in the matter and will resume the proceedings from the stage at which they are currently pending.

8. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 2, 2025

B.S. Rohella