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

+ **ARB.P. 880/2025**

M/S D THAKKAR CONSTRUCTIONS PVT LTDPetitioner

Through: Mr. S.S. Ray, Senior Advocate with
Ms. Rakhi Ray, Ms. Rupali Lal Mathur and Mr.
Vaibhav Gulia, Advocates.

versus

CONTAINER CORPORATION OF INDIA LTDRespondent

Through: Mr. R.K. Joshi, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **03.07.2025**

1. This petition is filed on behalf of the Petitioner under Section 11 read with Section 15 of the Arbitration and Conciliation Act, 1996 ('1996 Act') for appointment of Mr. Aditya K. Mittal from SCOPE panel of Arbitrators, as a substitute Arbitrator in place of late Mr. M.C. Panda, who was appointed as the nominee Arbitrator of the Petitioner.
2. It is the case of the Petitioner that disputes having arisen between the parties, Petitioner invoked Clause 66 of the Contract in question and parties thereafter nominated their respective Arbitrators, who in turn appointed the Presiding Arbitrator. While the arbitral proceedings were at the stage of Respondent's arguments, Petitioner was informed of the untimely demise of Mr. M.C. Panda, its nominee Arbitrator upon which the Petitioner on 07.02.2025 informed the Respondent. Petitioner also intimated of the nomination of Mr. Aditya K. Mittal as its nominee Arbitrator in place of Mr.



M.C. Panda, however, Respondent refused to agree to the appointment compelling the Petitioner to approach this Court.

3. Issue notice.
4. Counsel, as above, accepts notice on behalf of the Respondent.
5. On 01.07.2025, learned counsel for the Respondent had sought time to revert back with instructions. Mr. R.K. Joshi, learned counsel submits, on instructions, that Respondent has no objection to Mr. Aditya K. Mittal being appointed as the nominee Arbitrator of the Petitioner from the panel of SCOPE subject however to the Petitioner paying for his travel expenses from Mumbai, as intimated earlier.
6. Accordingly, with the consent of the parties, Mr. Aditya K. Mittal, is appointed as nominee Arbitrator of the Petitioner in place of late Mr. M.C. Panda.
7. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.
8. Learned Senior Counsel for the Petitioner, on instructions, submits that the travel expenses of its nominee Arbitrator shall be borne by the Petitioner as stated earlier in the e-mail dated 14.02.2025 addressed to the Respondent.
9. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open.
10. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

JULY 03, 2025/S.Sharma