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

+ **ARB.P. 1140/2025**

JHABUA POWER LIMITED

.....Petitioner

Through: Mr. Adarsh Tripathi, Mr. Vikram
Singh Baid and Mr. Ajitesh Garg, Advocates.

versus

BHARAT HEAVY ELECTRICALS LIMITED

.....Respondent

Through: Mr. Shyam D. Nandan, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

04.08.2025

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I.A. 18640/2025 (Exemption)

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

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3. This petition is filed on behalf of the Petitioner under Section 11(6) of Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
4. Disputes having arisen between the parties pertaining to a Supply and Services Contract executed on 18.01.2011, Respondent approached this Court under Section 11 of 1996 Act and a Sole Arbitrator was appointed. Arbitrator's mandate was successively extended by the Court and lastly by order dated 15.03.2024 upto 07.12.2024. However, the learned Arbitrator recused herself from the arbitral proceedings due to health issues and the



proceedings being at the advance stage of final arguments, Petitioner has approached this Court for appointment of a substitute Arbitrator.

5. Issue notice.

6. Mr. Shyam D. Nandan, learned counsel accepts notice on behalf of the Respondent and on instructions, submits that leaving the question of maintainability of this petition open, Court may appoint a substitute Arbitrator so that proceedings can resume in the interest of the parties. Counsels for the parties jointly propose the name of Mr. Justice C.K. Prasad, former Judge of the Supreme Court of India as a substitute Arbitrator.

7. Accordingly, leaving the issue of maintainability of this petition open, with the consent of the parties, Mr. Justice C.K. Prasad, former Judge of Supreme Court of India (Mobile No: 9717393513) is appointed as the substitute Arbitrator to adjudicate the disputes between the parties. Fee of the Arbitrator will be fixed in accordance with Fourth Schedule of 1996 Act.

8. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before proceeding further.

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

AUGUST 4, 2025

S.Sharma