

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : ARBITRATION AND CONCILIATION ACT, 1996

Date of Decision : 3.12.2008

O.M.P. 515/2008

M/S PITTIE SOLAR PVT. LTD

Through

Petitioner

Mr.Rikky Gupta, Adv.

versus

UNION OF INDIA and ORS

Through

Respondents

Mr.R.V. Sinha, Adv.

HIMA KOHLI, J. (ORAL)

1. The present petition is filed by the petitioner under Sections 14 and 15 of the Arbitration and Conciliation Act, 1996, to appoint a substitute Arbitrator in place of the previous Arbitrator Mr. R.P. Gupta, who is stated to have resigned vide letter dated 25.6.2008, on health grounds. Counsel for the respondents states that he has filed a reply to the petition. He further states that he has obtained instructions from his client and the respondents have no objection to substitution of the previously appointed Arbitrator, by another Arbitrator, as long as he fits the qualifications stipulated in Clause 25 of the General Conditions of Contract for CPWD works. He states that the respondents have no objection to the Court appointing an Electrical Engineer in this regard.

2. Accordingly, Mr.Mohan Swaroop (Retd.Engineer, CPWD) (Mobile No.9810072980) is appointed as an Arbitrator to adjudicate the disputes between the parties. The fee of the Arbitrator is fixed at Rs.75,000/-, to be borne equally by the parties, apart from the administrative expenses. Both the parties request that the newly appointed Arbitrator may be directed to proceed from the point at which the arbitration proceedings were pending before the earlier Arbitrator i.e. Mr. R.P. Gupta. Ordered accordingly. The respondent shall ensure that the record of the arbitration proceedings with the previous Arbitrator, Mr. R.P. Gupta be taken and deposited with the newly appointed Arbitrator as expeditiously as possible. The parties shall appear before the learned Arbitrator on 16.1.2009 at 4.00PM.

3. The Registry is directed to send a copy of this order directly to the learned Arbitrator for information.

4. Counsels for the parties shall also inform the learned Arbitrator about the passing of this order.

5. The petition is disposed of.

DASTI.

Sd./-
HIMA KOHLI,J

DECEMBER 03, 2008