

(2020) 07 DEL CK 0072

In the Delhi High Court

Case No : Original Miscellaneous Petition (T)(COMM) No. 31 Of 2020,
Miscellaneous Application No. 5384, 5385 Of 2020

MDP Infra India Pvt Ltd

APPELLANT

Vs

Shri Ram College Of Commerce

RESPONDENT

Date of Decision : 10-07-2020

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 14, 15, 15(2)

Citation : (2020) 07 DEL CK 0072

Hon'ble Judges : C .Hari Shankar, J

Bench : Single Bench

Advocate : Amitej Kumar Nagar, Amit Bansal, Vipasha Mishra

Final Decision : Disposed Of

Judgement

C .Hari Shankar, J

I.A. 5384/2020

1. This application, by the petitioner, seeks exemption from filing attested/duly sworn affidavit and extension of time to pay court fee.

2. In view the restrictions imposed consequent on the Covid-2019 pandemic, and the administrative order dated 4th April, 2020, passed by this Court,

on the administrative side, this application is allowed, subject to the petitioner filing affirmed affidavit and depositing court fee within 72 hours of

resumption of normal Court work.

3. The application is disposed of.

I.A. 5385/2020

Allowed, subject to all just exceptions. The application stands disposed of.

OMP(T)(COMM) 31/2020

1. This is a petition under Section 14 read with Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "1996 Act") for appointment of a substitute arbitrator, as the mandate of the earlier sole arbitrator, who has been appointed by this Court, stands terminated, consequent to the learned arbitrator expressing his inability to continue with the proceedings in view of his age.
2. Though, strictly speaking, under Section 15(2) of the 1996 Act, the procedure, contemplated in the agreement between the parties would have to be revitalized for appointing a substitute arbitrator, given the fact that the earlier learned sole arbitrator was appointed by this Court, learned counsel for the parties are ad idem that the substitute arbitrator could also be appointed by this Court, through the aegis of the Delhi International Arbitration Centre (DIAC), so that delay in the proceedings is avoided.
3. The suggestion is well taken, and merits acceptance.
4. Accordingly, the parties are referred to the DIAC and are permitted to contact the coordinating officials of the DIAC, at their respective email IDs and phone numbers, within two days, so that the substitute arbitrator could be appointed, in accordance with the procedure adopted by the DIAC in that regard.
5. In view of the aforesaid directions, this petition stands disposed of.