
(2020) 09 DEL CK 0037

In the Delhi High Court

Case No : Original Miscellaneous Petition (T) (COMM.) No. 29 Of 2020

New Om Construction Co.

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 03-09-2020

Acts Referred:

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

Citation : (2020) 09 DEL CK 0037

Hon'ble Judges : C .Hari Shankar, J

Bench : Single Bench

Advocate : Ankit Gupta, Jivesh Kumar Tiwari

Final Decision : Disposed Of

Judgement

C .Hari Shankar, J

O.M.P. (T) (COMM.) 29/2020

1. This petition has been preferred under Section 15(2) of the Arbitration & Conciliation Act, 1996, for appointment of a substitute arbitrator, as Mr. K.K. Gupta, the learned Sole Arbitrator who had been appointed to adjudicate on the disputes between the parties, had superannuated without passing of award in the matter.

2. Reply and rejoinder had been filed. In the rejoinder, the petitioner has submitted that he has no objection to the appointment of Mr. S.S. Bansal, Additional Director (General) of the respondent, as the substitute arbitrator in place of Mr. K.K. Gupta, and as suggested vide the letter dated 28th August, 2020 of the respondent.

3. Mr. Ankit Gupta, learned Counsel for the petitioner submits that, in view thereof, nothing survives for adjudication in this petition which may be disposed of accordingly.

4. In these circumstances, Mr. S.S. Bansal, Additional Director (General) of the

respondent department, is appointed, by consent, as substitute arbitrator, in place of Mr. K.K. Gupta, who was conducting the arbitral proceedings thus far.

5. Learned Counsel for the parties are ad idem that, while Mr Bansal would not be required to re-record the evidence already recorded, final arguments in the matter may be addressed before him de novo.

6. Accordingly, Mr. Bansal would take over the proceedings from the stage of hearing of final arguments, whereafter he would proceed to pass the award in the matter.

7. The petition stands disposed of in the aforesaid terms.