

ITEM NO.32

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 21739/2019

(Arising out of impugned final judgment and order dated 21-08-2019 in O.M.P.(T)(COMM.) No. 68/2019 passed by the High Court Of Delhi At New Delhi)

SPECTRUM ACADEMY PVT. LTD.

Petitioner(s)

VERSUS

LIGARE AVIATION LTD.

Respondent(s)

(FOR ADMISSION and Interim Relief)

Date : 20-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Kamal Bansal, Adv.  
Mr. Anuj Tyagi, AOR

For Respondent(s) Mr. Atul Ahlawat, Adv.  
Mr. Shubham Bhalla, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

We have heard Mr. Kamal Bansal, learned counsel appearing for the petitioner and Mr. Atul Ahlawat, learned counsel appearing for the respondent.

Vide Order dated 12.10.2018, the High Court appointed Mr. Justice P.S. Teji (Retd.) as the sole Arbitrator to resolve the dispute between the parties pursuant to the service agreement dated 01.04.2011.

Admittedly, learned Arbitrator commenced the proceedings on 18.12.2018 (vide Procedural Order No.1-Preliminary Hearing). It is stated that learned Arbitrator has been subsequently appointed as

the Chairman of the Police Complaints Authority (PCA), New Delhi, by Order dated 24.12.2018. Since the learned Arbitrator has taken up the said assignment the petitioner has filed an application before the High Court under Section 14 of the Arbitration and Conciliation Act praying for termination of the mandate to the learned Arbitrator and for substitution by another learned arbitrator. The said petition came to be dismissed by the impugned order dated 21.08.2019. Being aggrieved, the petitioner has preferred this special leave petition.

Mr. Atul Ahlawat, learned counsel appearing for the respondent, has submitted that the learned Arbitrator has obtained permission from the Lieutenant Governor to continue with the pending arbitration (Vide Order dated 14.02.2019).

We are not inclined to go into the contentions of the parties. Of course we note that the learned Arbitrator has taken the permission to continue with the pending arbitration notwithstanding taking up the assignment as the Chairman of the Police Complaints Authority. However, since the petitioner has expressed his reservation, we enquired from learned counsel for both the parties whether they would voluntarily agree for the substitution of the present arbitrator. Mr. Atul Ahlawat, learned counsel appearing for the respondent, on instruction, has fairly submitted that the respondent would agree for substitution of the Arbitrator.

Having regard to the submission of learned counsel for the parties, Mr Justice G.P. Mittal (Former Judge of the Delhi High Court) is appointed as the learned Arbitrator in place of Mr. Justice P.S. Teji (Retd.). Fee of the learned Arbitrator shall be

in terms of the provisions of the Arbitration and Conciliation Act, 1996. Learned Arbitrator, Mr. Justice G.P. Mital (Retd.), shall continue the proceedings from the stage where Mr. Justice P.S. Teji (Retd.) has left the proceedings. Learned Arbitrator shall afford sufficient opportunity to both the parties.

It is submitted at the Bar that already time has been extended by six months for completion of the proceedings and we reiterate the same.

With the above modification, the special leave petition is disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(NISHA TRIPATHI)  
BRANCH OFFICER