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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 885/2023, I.A.16581/2023

M/S MADHU KISHAN GUPTA

..... Petitioner

Through: Mr.Shreesh Chadha, Mr.Aman S. Bakhshi, Mr.Divjot Singh Bhatia, Advocates with the petitioner in person.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: Ms.Shivangi Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

06.09.2023

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1. This petition is filed with following prayers:

(i) Direct the Ld. Sole Arbitrator - Mr. Debashish Moitra, Advocate to conclude the arbitration proceedings titled 'M/s Madhu Kishan Gupta vs. Municipal Corporation of Delhi' in an expedited and time bound manner;

(ii) In the alternative, appoint a substitute arbitrator in place of the present Sole Arbitrator - Mr. Debashish Moitra, Advocate with direction to conclude the arbitration proceedings in an expedited and time bound manner;

2. Mr.Debashish Moitra, Advocate is present in Court and shows his inability to continue with the arbitration and submits he is not inclined to further act as an arbitrator and his mandate be terminated. Though the application is under Section 11 of the Arbitration and Conciliation Act but since the prayer is also to appoint a substitute arbitrator in place of



Mr. Debashish Moitra, Advocate, hence it is submitted it may be treated as one under Section 15 of the Arbitration and Conciliation Act also.

3. In the circumstances, it is treated as application under Section 15 read with Section 11 of the Arbitration and Conciliation Act.

4. In the circumstances, while terminating the mandate of Mr. Debashish Moitra, Advocate, Ms. Amrit Oberoi, learned Advocate (Mob. 9899342698) is hereby appointed as an arbitrator to arbitrate the dispute between the parties.

5. The fee shall be as per 4th Schedule of the Arbitration and Conciliation Act and it shall be payable by the petitioner and be treated as litigation cost.

6. In view of above, the petition stands disposed of. Pending application also stands disposed of.

YOGESH KHANNA, J.

SEPTEMBER 06, 2023

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