

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Arbitration Application No. 59/2019

Engineering Project India Limited, Through Its Law Officer Mr. Gaurav Khanna Having Its Office At Core-3, Scope Complex, 7-Institutional Area, Lodhi Road, New Delhi-110003

----Petitioner

Versus

Rajasthan Urban Infrastructure Development Projects, Through Its Project Director, Having Its Office At Avs Building, Jln Marg, Jawahar Circle, Malviya Nagar, Jaipur 302017

----Respondent

For Petitioner(s) : Mr. Nitish Kumar Bagri

For Respondent(s) : Mr. Amit Lubhaya

HON'BLE THE CHIEF JUSTICE

Order

28/02/2020

1. Heard the learned counsel for the respective parties.
2. Although prayer was made under Section 11 and 14 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act of 1996), in the present set of circumstances, the learned counsel for the petitioner only prays to limit his petition to one under Section 11 of the Act of 1996.
3. Admittedly, the first arbitral tribunal was constituted by each of the parties nominating respective arbitrators and two Hon'ble Arbitrators deciding the matter by arbitration, it appears that while the proceedings were in progress, the Presiding Arbitrator passed away and the nominated arbitrator of the claimant resigned from the Tribunal. Consequently, said Tribunal had to be reconstituted and after the claimant re-nominated a

fresh arbitrator, fresh arbitral proceedings was also agreed to between the learned Arbitrator and proceedings were in progress and in the meantime the nominated arbitrator of respondent passed away on 04.10.2016 and arbitral proceedings came to be stalled on account of the fact that respondent failed to nominate a fresh arbitrator as their nominee arbitrator.

4. Learned counsel for the respondent raised various objections and in essence, submitted that in the original arbitration proceedings, the respondent has submitted written submissions along with documents and second arbitral panel as noted hereinabove was in session of the matter while the death of the nominee of the respondent occurred.

5. Today, in the Court, learned counsel representing the respondent submitted that the respondent has nominated Mr. V.N. Saxena, Retd. Addl. Chief Engineer, PWD, B-26, Malviya Nagar, Jaipur Mob.9829964665 email ID vnsaksena1@gmail.com, to act as their nominated arbitrator in the arbitration proceedings pending between the parties.

6. In view of such submissions, since the Arbitral Tribunal has now been re-constituted, the Arbitral Tribunal proceed in the matter and the respondent would be at liberty to raise all such objections as may be available to them in law before the re-constituted Tribunal.

7. With such directions, the present application stands disposed of.

(INDRAJIT MAHANTY),CJ