

Sr. No. 1
Regular

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Arb P No. 25/2022

CM No. 4160/2022

M/S Alied Builder and Engineers Private Ltd.

...Petitioner(s)/appellant(s)

Through: Mr. Zahid Khan, Advocate

Vs.

Union of India and Ors

...Respondent(s)

Through: Mr. T.M. Shamsi, DSGI.

CORAM:

HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

27-03-2025

1. In the instant petition filed under Section 15 of the Arbitration and Conciliation Act, 1996, the petitioner herein seeks substitution of the Arbitrator in the arbitration dispute *inter se* the petitioner and respondents 1 to 4 herein, wherein an Arbitrator have had been appointed by the respondents, being respondent 5 herein, whose mandate, however, got terminated by efflux of time, and the respondents failed to appoint a substitute Arbitrator in his place.

2. According to the counsel for the petitioner, though at the time of institution of the instant petition, the appointment of respondent 5 as Arbitrator was objected to by the petitioner on multiple grounds, yet on account of the termination of the term of the said Arbitrator by efflux of time, the petitioner does not press for the relief of the appointment of any other Arbitrator through the intervention of the Court, instead the petitioner would consent to appointment of the substitute Arbitrator by the respondents without any further delay in the matter, and as such, would also pray for disposal of the petition.

3. Mr. Shamsi, learned DSGI, appearing for the respondents admits of the termination of the term of appointed Arbitrator being respondent 5 herein on account of his superannuation. Mr. Shamsi, is not averse to the disposal of the petition proposed by the counsel for the petitioner in case a new Arbitrator by the respondents is appointed in the matter.

4. Having regard to the aforesaid submissions of appearing counsel for the parties, the instant petition is taken for disposal at this stage and is disposed of with the direction to the respondents to appoint new Arbitrator in the matter in accordance with law without any further delay, preferable within a period of eight weeks' from today.

5. Disposed of.

SRINAGAR
27-03-2025
Junaid

