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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 24.08.2021*

(i) + **ARB.P. 416/2021**

(ii) + **ARB.P. 417/2021**

FIVES CAIL KCP LTD. ....Petitioner

Through: Ms. Sonal Gupta & Ms. Tanya  
Chaudhry, Advocates

Versus

(i) DHAMPUR SUGAR MILLS

(ii) DHAMPUR SUGAR MILLS ASMOLI UNIT .....

Respondents

Through: Mr. Prasanjeet Keswani &  
Mr. Upmanyu Tewari, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**J U D G M E N T (oral)**

The hearing has been conducted through video conferencing.

**ARB.P. 416/2021**

**ARB.P. 417/2021**

1. Files have been put up on office note.
2. As per office report, a communication/letter dated 17.08.2021 has been received from Justice (Retd.) V.S.Aggarwal recusing from being appointed as Arbitrator in these petitions.
3. Pertinently, in terms of Clause- 41 of the Agreement dated 21.10.2016 between the parties, this Court at the first instance had appointed Justice  
ARB.P. 416/2021 & ARB.P. 417/2021

(Retd.) Badar Durez Ahmed the sole Arbitrator to adjudicate the disputes between the parties. However, since petitioner had received a communication from Justice (Retd.) Badar Durez Ahmed indicating a conflict of interest with respondents and thereby recusing being Arbitrator, petitioner had again approached this Court seeking appointment of sole Arbitrator.

4. Vide last order dated 23.07.2021, on the joint proposal of both the sides, this Court had appointed Justice (Retd.) V.S.Aggarwal the sole Arbitrator in these cases.

5. Learned counsel for the parties submit that since Justice (Retd.) V.S.Aggarwal has recused to arbitrate these matters, this Court may appoint Arbitrator in these petitions.

6. Accordingly, **Justice (Retd.) G.S.Sistani (Mobile: 9871300034)** is appointed sole Arbitrator to adjudicate the disputes between the parties.

7. The fees of the learned Arbitrator shall be according to Fourth Schedule of the Arbitration and Conciliation Act, 1996.

8. The learned Arbitrator shall ensure compliance of Section 12 of Arbitration and Conciliation Act, 1996 before commencing the arbitration.

9. A copy of this order be sent to the learned Arbitrator for information.

10. No further orders are called for.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**AUGUST 24, 2021**

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