



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 13th September, 2024

R.P.No.108/2022

In Re.Modification/Substituion of Arbitrator and others

Versus

***Airport Authority of India Devi Ahiliya Bai Holkar Airport Indore
and others***

Appearance:

Shri Vivek Patwa- Advocate for the petitioner.

Shri Aditya Garg, learned counsel for the respondent.

ORDER

1] On a communication dated 21.12.2021 been received from the Arbitrator, Shri Justice I.S. Shrivastava, Former Judge, High Court of Madhya Pradesh, the present review petition was registered by the Registry of this Court *suo motu*.

2] In the aforesaid communication the arbitrator has stated that he had taken up the matter as an arbitrator pursuant to an order passed by this Court dated 27.8.2014 passed in Arbitration Case No.7/2007 (M/s Frank Airways (P) Ltd. V/s Manager, Airport Authority of India), but in the aforesaid proceedings, an application under Section 13 read with Section 12 of the Arbitration and Conciliation Act 1996 for recusal was filed by the applicant M/S Frank Airways Pvt. Ltd, and



although the aforesaid application was dismissed by the arbitrator, however, he has expressed his disinclination to further proceed with the matter, and he has recused himself from the arbitration.

3] After the aforesaid communication was received by this Court, counsel for the parties were also directed to appear and apprise this Court, but Shri V.K. Patwa, learned counsel for the applicant has submitted that he has no instruction in the matter, and similarly Shri Aditya Garg, learned counsel, who had appeared for the non-applicant has also submitted that he has no instruction in the matter. Thus, notices were issued to the parties, but nobody has marked their presence for both the parties, and it appears that the parties are not interested in prosecuting this matter any further.

4] Accordingly, the review petition is hereby **dismissed for want of prosecution.**

(SUBODH ABHYANKAR)
JUDGE

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