

**BEFORE MR. JUSTICE R.V. EASWAR (RETD.),
SOLE ARBITRATOR
AT DELHI INTERNATIONAL ARBITRATION CENTRE (DAC)**

Case Ref. No. DAC/1078/11-15

COL. S. KUMARAIAH

.....CLAIMANT

VERSUS

**ARMY WELFARE
HOUSING ORGANISATION**

...RESPONDENT

13TH ARBITRATION PROCEEDINGS DATED : 15.09.2018

Present :

For the Claimant:

Col. S. Kumaraiah, Claimant in person.

For the Respondent:

Mr. A.K. Tewari, Advocate and
Mr. Vikramaditya Singh, Advocates

ORDER

The proceedings commenced today and Mr. Tewari, Ld. Counsel for the Respondent filed a bunch of papers containing 11 pages to contradict the submissions made by the Claimant on 06th June, 2018. These papers were filed in terms of the order dated 06th June, 2018.

When arguments were being addressed by Mr. Tewari on the basis of the papers filed by him, copies of which were also handed over to the Claimant, the Claimant made allegation that the lay out plans were "false". Mr. Tewari countered the same by asking the claimant to file the true lay out plans, if the Claimant desires to demonstrate that what the Respondent had filed was false. When this was put to the claimant, he drew my attention to technical brochure, Ex.R-11, filed by the Respondent in the documents along with the additional evidence and sought to support his allegation. When it was pointed out that Ex.R-11 was not an authenticated lay out plan, the Claimant sought to justify his allegation and started saying that what he meant was that the Respondent made a wrong statement that page 11 of the papers filed today contained part A and Part B, whereas, in fact, it contained Part A only. Again it was pointed out to him that even assuming it is wrong statement it cannot be stated to be a false statement and that it had no bearing on the issue whether there was surplus land

available in Project A, the Claimant stated that he was not aware of the difference between the wrong statement and the false statement and sought to wriggle out of the situation.

In the course of the proceedings today the Arbitral Tribunal did notice that the Claimant was raising his voice and was also gesturing unwarrantedly and insisted on repeating that there were more than 20 instances of falsification of evidence for which he should be given opportunity of proving. Full and complete opportunity was and is being given to the Claimant but despite that he has been repeatedly claiming that it was being denied to him. In fact, at one stage in the course of today's arguments he even stated that as a citizen of India he is entitled to full rights in the proceedings. The Arbitral Tribunal in these circumstances has come to the conclusion that it may not be possible for it to continue to hold the proceedings in an atmosphere conducive to the interests of justice and in the manner required by the letter and spirit of Law.

In the above circumstances, it has become impossible for the Tribunal to continue with the proceedings. The Arbitral Tribunal accordingly recuses itself from the proceedings.

**(JUSTICE R. V. EASWAR (RETD.)
SOLE ARBITRATOR
15.09.2018 R.no.3/DRS**