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

CNR No. DLHC010317972026

+ **O.M.P. (T) (COMM.) 76/2026 & I.A. 18839/2026**

MR. ARUN KUMAR RAI

.....Petitioner

Through: Ms. Samprikta & Ms. Mahima
Malhotra, Advs. (through VC).

versus

M/S PROTECT IP LLP SOLUTIONS & ANR. Respondents

Through: Mr. Sidharth Joshi, Mr. Zaki &
Sourabh Gupta, Advs. (through VC).

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

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19.08.2026

1. This is a petition under Section 14(1) and (2) read with Section 15(2) of the Arbitration and Conciliation Act, 1996 seeking termination due to de-facto inability of the arbitrator and for appointment of substitute arbitrator.

2. The brief facts are that the petitioner and respondent no. 2 entered into an agreement dated 11.04.2014 for constitution of M/s Protect IP Solutions LLP, respondent no.1. Disputes arose between parties inter alia alleged expulsion of the petitioner from the partnership of respondent no.1, entitlement to 50% share & assets and related counter-claims raised by the respondents.

2.1 The disputes were referred to arbitration at the instance of the petitioner invoking clause 33 of the agreement and pursuant to order dated 15.03.2021 of this court Mr. Sanjivan Kumar Sarvaria, Retired District &



Session Judge was appointed as the sole arbitrator. However, the arbitrator communicated the inability to continue due to health reasons and vide order dated 15.10.2025 terminated the mandate. The petitioner thereafter approached this Court seeking termination of the mandate and appointment of a substitute arbitrator and this court by judgment dated 21.05.2026 appointed Ms. Justice Mukta Gupta (Retd.) as the sole arbitrator.

2.2 The sole arbitrator furnished disclosure under Section 12 of the Act and the respondents thereafter raised a representation under Section 12(2) of the Act alleging a conflict of interest on account of engagement of an advocate related to the arbitrator. The arbitrator vide communication dated 06.06.2026 recused from the arbitral proceedings. Delhi International Arbitration Centre by email dated 23.06.2026 advised the parties to approach this court for appointment of a substitute arbitrator. Hence, the present petition.

3. Learned counsel for the respondents on instructions has no serious objection to appointment of a substitute arbitrator.

4. Accordingly, the petition is allowed by appointing Hon'ble Mr. Justice Jayant Nath (Retd.) (Mobile No.8527959494) as the sole arbitrator and shall substitute the earlier arbitrator.

5. Arbitral proceedings will be held under the aegis of Delhi International Arbitration Centre (DIAC). Fee of the Arbitrator shall be fixed as per fee schedule.

6. Before entering upon reference, the learned Arbitrator will comply with Section 12 of the Act.

7. It is made clear that since this Court has not expressed any opinion on the merits of the rival claims of the parties and it will be open for the parties



to file their respective claims/counter claims before the learned Arbitrator which will be considered in accordance with law.

8. A copy of this order be forwarded to the learned Arbitrator for information.

AVNEESH JHINGAN, J

AUGUST 19, 2026

'JK'