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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (T) (COMM.) 1/2015 & IA 23832/2015

ABHINAV JAIN & ANR

..... Petitioners

Through: Mr. Vijay Gupta with Ms. Geeta Goel
and Mr. Chetan Swarup, Advocates.

versus

KARUNA ANAND

..... Respondent

Through Mr Anjaneya Mishra, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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24.11.2016

1. This is a petition under Section 14 of the Arbitration and Conciliation Act, 196 ('Act') filed by the Petitioners seeking the termination of the mandate of the sole Arbitrator to adjudicate the disputes between the parties.

2. The Petitioners are the Respondents/counter-claimants before the sole Arbitrator. The Petitioners filed an application under Section 12 read with Section 13 of the Act challenging the Arbitrator and asking him to recuse himself on the apprehension that he was not being impartial. Admittedly, that application has been rejected by the Arbitrator.

3. In view of the decision of the Division Bench of this Court in *Progressive Career Academy Pvt. Ltd. v. FIITJEE Limited* 180 (2011) DLT 714 which has been recently followed by this Court in *Steel Authority of India Limited O.M.P. (T) (COMM.) 1/2015*

v. British Marine PLC [decision dated 20th October 2016 in OMP (T) (COMM) 48 of 2016], the Petitioners will have to wait, in terms of Section 13 (4) and 13 (5) of the Act, for the passing of the Award and raise the ground as regards the impartiality of the Arbitrator at the stage of challenging the Award under Section 34 of the Act.

4. In that view of the matter, while leaving it open to the Petitioner to raise appropriate grounds in terms of Sections 13 (4) and 13 (5) of the Act at the appropriate stage, the Court declines to entertain the present petition.

5. The petition is dismissed.

S.MURALIDHAR, J

NOVEMBER 24, 2016

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