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

+ O.M.P. (T) (COMM.) 23/2016

MR. ALOK PRASAD Petitioner
Through Mr.Chandra Shekhar Yadav and
Mr.Prateek Jindal, Advs.

versus

M/S MULTIPLE ZONES INDIA PRIVATE LIMITED,.. Respondent
Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **23.05.2017**

1. None has appeared for the respondent despite service through substituted service.
2. Present petition is filed under section 14 of the Arbitration and Conciliation Act, 1996, seeking to terminate the mandate of the learned Sole Arbitrator, namely, Shri Manoj Chugh and to appoint an independent Arbitrator. The parties have entered into an Agreement on 1.1.2007. Disputes and differences having been arisen between the parties the petitioner filed the petition under section 11(6) of the Act being Arbitration Petition No.359/2010. This court vide order dated 03.01.2012 noted that by consent of parties Mr.Manoj Chugh, President EMC India and SAARC shall be the sole Arbitrator to decide the claims.
3. It is the submission of the petitioner that the learned Arbitrator has stopped conducting further proceedings in the matter. Pleadings were completed. The witness of the petitioner AW1 Shri Ashish Prasad was partly cross-examined on 11.01.2013. Subsequently, no proceedings have taken

place. It is urged that several requests have been sent to the learned Arbitrator including email dated 8.9.2014 and 28.2.2015. It is clear that the learned Arbitrator has abandoned the proceedings and has failed to act without undue delay.

4. In view thereof, the mandate of the learned Arbitrator is terminated. Mrs.R. Kiran Nath, Retired District & Sessions Judge, Delhi (Mobile No.9910384659 is appointed as an Arbitrator to adjudicate the disputes between the parties. The learned Arbitrator may commence the proceedings from the stage at which they had reached before the earlier learned Arbitrator. The learned Arbitrator may fix the fee in consultation with learned counsel for the parties and may also take steps under section 12 of the Act.

5. Petition stands disposed of. All pending applications, if any, also stand disposed of.

6. The previous learned Arbitrator Shri Manoj Chugh is requested to transfer the records of the proceedings to Mrs.R.Kiran Nath, the learned Arbitrator. A copy of this order be given dasti to learned counsel for the petitioner for service on Shri Manoj Chugh.

JAYANT NATH, J

MAY 23, 2017

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