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

+ O.M.P. (T) (COMM.) 62/2017

PRAKASH PRADHAN Petitioner
Through: Ms. Babita Seth, Advocate

versus

CURO INDIA PVT. LTD. & ANR. Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **21.12.2017**

This petition under Sections 14 and 15 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the “Act”) has been filed by the petitioner seeking termination of the mandate of the Sole Arbitrator appointed by Respondent No. 1 & 2 vide their letter dated 25th August, 2015 for adjudication of the disputes that have arisen between the parties in relation to “Letter of Intent” dated 17th April, 2012.

It is the case of the petitioner that in spite of legal Notice dated 28th November, 2016 and reminders dated 21st December, 2016 and 19th February, 2017, the Sole Arbitrator has not informed of any date of hearing in the proceedings nor has informed the status of the said proceedings. The petitioner, therefore, submits that the Arbitrator has failed to perform his functions as an Arbitrator and his mandate is required to be terminated by this Court.

Notice of this petition was issued to the respondents vide order dated 31st July, 2017. In spite of service, none appeared for the respondents on 27th November, 2017, however, in the interest of justice it was felt necessary to implead the Sole Arbitrator in the proceedings and seek a report from him regarding the arbitration proceedings.

In spite of service of notice on the Sole Arbitrator / respondent No. 3, none appeared for any of the respondents in spite of a passover been granted.

In view of the above, it is apparent that the Sole Arbitrator has failed to perform his functions and acted with an undue delay in adjudicating the disputes that have arisen between the parties.

Accordingly, the mandate of the Sole Arbitrator, respondent No.3 herein, is hereby terminated.

I hereby appoint **Mr. Amiet Andlay, Advocate** (r/o A-43, Gulmohar Park, New Delhi-110049, Ph. No. 9811151686) as the Sole Arbitrator for adjudication of the disputes that have arisen between the parties in relation to the above mentioned Letter of Intent.

The Arbitration shall be held under the aegis of Delhi International Arbitration Centre (DIAC). The Arbitration procedure and the fee of Arbitration shall be governed by the DIAC rules.

The petition is allowed in the above terms.

Dasti.

NAVIN CHAWLA, J

DECEMBER 21, 2017/Nk