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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ O.M.P. (T) (COMM.) 13/2018 & IA No. 2342-2343/2018  
UNION OF INDIA ..... Petitioner  
Through: Dr.Kumar Jwala, Adv.

versus

SURENDRA KUMAR BANSAL & ANR. .... Respondents  
Through: Mr.Shrey Sharawat, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**ORDER**  
% **19.02.2018**

**IA No. 2343/2018 (Exemption)**

Allowed, subject to all just exceptions.

**IA No. 2342 & O.M.P. (T) (COMM.) 13/2018**

This is a petition filed under Section 14 read with Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking termination of the mandate of the Sole Arbitrator appointed by this Court vide order dated 19.05.2017 in Arb.P. 242/2016.

The petitioner relying upon Clause 11 of the Partnership Deed of the respondent contends that upon the death of Shri Surendra Kumar Bansal, the Arbitration proceedings would stand abated and the mandate of the Arbitrator would also stand terminated.

The counsel for the petitioner, however, agrees that upon the death of Shri Surendra Kumar Bansal, his Legal Heirs have filed an application seeking substitution in the Arbitration proceedings and the said application is pending before the said Arbitrator.

In my view, the question whether the Arbitration proceedings would stand abated upon the death of Shri Surendra Kumar Bansal or the effect of the said demise on the Arbitration proceeding would have to be considered by the Arbitrator in the first instance. Even if Clause 11 of the Partnership Deed is to be given effect to, the Arbitration proceedings would continue with the other partners and cannot abate only on the death of one of the partner i.e. Shri Surendra Kumar Bansal.

The present petition is totally misconceived and is accordingly dismissed.

**NAVIN CHAWLA, J**

**FEBRUARY 19, 2018/rv**