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

+ O.M.P. (T) (COMM.) 17/2018

AACL ENTERPRISES

..... Petitioner

Through: Mr. Sanjeev Narula with Ms. Kaanan
Gupta and Mr. Abhishek Ghai, Advs.

versus

SITI NETWORKS LIMITED

..... Respondent

Through: Ms. Ritwika Nanda, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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04.10.2018

1. This is a petition filed under Section 14 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the '1996 Act'). The prayer made in the petition is to terminate the mandate of the learned Arbitrator, Mr. Jawahar Goel.

2. Mr. Narula, who, appears for the petitioner submits that Mr. Jawahar Goel is the brother of the promoter-director of the respondent company. Ms. Ritwika Nanda, who, appears for the respondent company says that while she has no objection to the termination of the mandate of Mr. Jawahar Goel and to the appointment of another arbitrator in his place, she has no instructions as to the position that Mr. Subhash Goel holds in the respondent company.

2.1 Ms. Nanda, though agrees, that the arbitration agreement obtaining between the parties finds mention in the agreement dated 01.04.2015.

2.2 Both counsel in this behalf draw my attention to paragraph 3.1.8 of the objections filed before TDSAT, on behalf of respondent.

3. Having regard to the stand taken by the counsel for the parties before me, the prayer made in the petition is allowed.

3.1 Mr. Jawahar Goel's mandate shall stand terminated.

4. Hon'ble Mr. Justice P.S. Teji, former Judge of this Court (Mob. No. 9910384615) is appointed as an Arbitrator in the matter. Counsel for the parties submit that the arbitration proceedings be conducted under the aegis of the Delhi International Arbitration Centre ('DIAC'). It is ordered accordingly. Resultantly, fees and rules prescribed by the DIAC will apply to the instant arbitration proceedings.

5. The captioned petition is disposed of in the aforementioned terms.

6. The Registry will dispatch a copy of this order to the learned Arbitrator and the coordinator, DIAC.

RAJIV SHAKDHER, J

OCTOBER 04, 2018/pmc