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

+ O.M.P. (T) (COMM.) 57/2018

M/S OVERSEAS MOBILES PVT. LTD Petitioner

Through: Mr. Abhijit Banerjee, Advocate

versus

M/S. ZTE TELECOM INDIA PVT. LTD Respondent

Through: Mr. Mirza Kayesh Begg, Mr. Salman Waris, Advocates

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **08.08.2018**

This petition has been filed under Section 14 & 15 of the Arbitration and Conciliation Act, 1996 seeking termination of the mandate and substitution of the Arbitrator namely Mr. Ashish Jain, Advocate.

This Court vide order dated 08.03.2016 in Arbitration Petition 375/2015 appointed Mr. Ashish Jain, Advocate as one of the member of the Arbitral Tribunal to adjudicate the disputes that had arisen between the parties. It is submitted by the counsels for the parties that in spite of best efforts of the parties as also the Delhi International Arbitration Centre, the contact details of Mr. Ashish Jain, Advocate could not be traced and therefore, the Arbitration has not progressed.

It is submitted that Delhi International Arbitration Centre vide its letter dated 01.05.2018 has advised the parties to take alternate

steps in accordance with law as the said Arbitrator could not be contacted.

In view of these observations, I terminate the mandate of Mr. Ashish Jain, Advocate as one of the member of the Arbitral Tribunal and appoint Mr. Abhijat, Advocate as a substitute Arbitrator. The substitute Arbitrator so appointed shall give his disclosure in terms of Section 12 of the Act before proceeding with the reference. The arbitration proceedings shall commence from the stage at which they were before the earlier Arbitral Tribunal.

The petition is allowed with the above directions.

Dasti.

NAVIN CHAWLA, J

AUGUST 08, 2018/ab