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

+ ARB.P. 324/2017

SUKHDEV SHARMA

..... Petitioner

Through: Mr. Bharat Bhushan, Advocate

versus

SANJEEV SHRIYA & ANR.

..... Respondents

Through: Mr. Aaditya Vijay Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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18.01.2018

Mr. Aaditya Vijay Kumar, learned counsel enters appearance on behalf of the respondents. He submits that in terms of the arbitration agreement between the parties, it is the respondent no. 2 who has to appoint the substitute Arbitrator. He further submits that, the present petition having been filed under Section 11 of the Arbitration and Conciliation Act, 1996 would not be maintainable, as it is not a case of fresh appointment but a case of substitution of the Arbitrator, who had earlier been appointed but has tendered his resignation.

The counsel for the petitioner submits that the total claim of the petitioner in the arbitration proceedings would be around Rs. 5 lakhs and the respondent is intentionally appointing arbitrators whose fee would be more than the claim itself.

.....2/-

Without going into the above controversy, the present petition is disposed of recording the submission of the counsel for the respondents that the respondents, will keep in mind the amount of the proposed claim of the petitioner while appointing a substitute Arbitrator.

The counsel for the parties further submit that they would also try to amicably resolve the issue before proceeding with the arbitration. In case such settlement is not possible, the respondents would appoint the substitute arbitrator within a period of four weeks from today.

The present petition is disposed of in the above terms.

NAVIN CHAWLA, J

JANUARY 18, 2018
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