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

+ **O.M.P. (T) (COMM.) 55/2017 & IA 8089/2017**

PAWAN DAWAR

..... Petitioner

Through Mr Parmod K. Sharma, Mr Prashant
Bajaj, Advocates.

versus

MILLENNIUM SCHOOL, & ORS.

..... Respondents

Through Mr Raveej Kumar, Advocate for
respondent nos. 1 to 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.04.2018

1. The petitioner has filed the present petition under Section 14 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying as under:-

“a) Allow the present petition by terminating the mandate/substituting the Sole Arbitrator from conducting the arbitration as sole arbitrator in Arbitration Case No. 2016-2017/Pawan Dawar/01 titled as “Pawan Dawar Vs. Educomp Solution Ltd. and Ors.” and appoint any retired Judge of this Hon’ble Court as sole arbitrator in his place and the Sole Arbitrator be directed to handover and transfer entire record of the above said arbitration case to the said newly appointed sole arbitrator.”

2. Without going into the allegations made in the petition, the learned counsel appearing for the respondents states that the respondents have no objection if the mandate of the Sole Arbitrator, Mr Pankaj Raj Chopra, is terminated. The learned counsel appearing for the petitioner states that the

agreement, in relation to which the disputes have arisen, was entered into between the petitioner and respondent no.1 and, there is no arbitration agreement between petitioner and respondent nos. 2 and 3.

3. The learned counsel appearing for the respondents states that without going into the merits of the present petition, the respondents are agreeable that an independent arbitrator be appointed to adjudicate the disputes between the petitioner and respondent no.1. The counsel for the parties also request that the arbitration may be conducted under the Rules of Delhi International Arbitration Centre (DIAC).

4. With the consent of the parties, it is directed that the mandate of Sh Pankaj Raj Chopra as an arbitrator is terminated. It is further directed that an arbitrator be appointed by the DIAC to adjudicate the disputes that have arisen between the petitioner and respondent no.1 in connection with the Agreement dated 01.04.2012. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

5. The parties are directed to appear before the Coordinator DIAC on 17.04.2018 at 11.00 a.m. for further proceedings.

6. The petitioner and respondent no. 1 are at liberty to obtain the arbitral records from Shri Pankaj Raj Chopra and submit the same to DIAC.

7. The petition is disposed of in the above terms. The pending application also stands disposed of.

VIBHU BAKHRU, J

APRIL 04, 2018/pkv