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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (T) (COMM.) 115/2018
M/S OMAXE LTD & ANR. Petitioners
Through: Ms. Payal Agrawal, Adv.

versus

UMESH YADAV Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **13.12.2018**

This petition under section 14 read with section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'Act') has been filed by the petitioner seeking substitution of the Arbitrator.

The Arbitrator had been appointed by this Court vide order dated 08.03.2018 passed in Arbitration petition 40/2017. The said Arbitrator, however, vide order dated 16.07.2018 tendered her resignation and rescued herself from the Arbitration proceedings.

Attempts to serve the respondent in the present petition have not fructified.

Learned counsel for the petitioner submits that even at the stage of the section 11 petition, the respondent could not be served personally and was finally served only through publication.

In any case, as the present petition is one only praying for substitution of the Arbitrator in place of the Arbitrator earlier

appointed by this Court, I do not think it necessary to make further efforts to serve the respondent with this petition.

In view of the above, while terminating the mandate of Ms. Ravinder Kaur as the Arbitrator, I appoint **Mr. Govind Chandrayan**, Former District & Sessions Judge, Bihar (G- 1422, Ground floor, C. R. Park, New Delhi- 110019, Mob. 9798047007, 9971149179) as the Sole Arbitrator.

The Arbitrator shall give disclosure in terms of section 12 of the Act before proceeding with the reference.

The Arbitrator shall also issue notice to the respondent before proceeding with the reference as in the earlier proceedings also the respondent was yet to be served.

The proceedings shall be conducted under the aegis of the Delhi International Arbitration Centre (DIAC). The DIAC Rules as to procedure and fees shall apply.

The petition is allowed in the above terms with no order as to cost.

NAVIN CHAWLA, J

DECEMBER 13, 2018/sk