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

+ O.M.P.(T) 9/2017

DEEPAK JAIN

..... Petitioner

Through: Mr Siddharth Arora, Advocate.

versus

VIPIN KUMAR JAIN

..... Respondent

Through: Mr Pradeep Kumar, Advocate
alongwith respondent in person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **24.04.2018**

1. The petitioner has filed the present petition under Section 14 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed in place of Mr Yogesh Chhabra, to adjudicate the disputes existing between the parties in relation to an Agreement to Sell dated 01.08.2009 (hereafter 'the Agreement').
2. The learned counsel appearing for the petitioner states that Mr Yogesh Chhabra, who was appointed as an arbitrator, had sent a letter dated 10.01.2017 communicating his recusal to act as an arbitrator. He further states that the Arbitrator had adjourned the arbitration proceedings *sine die* on 03.06.2012.
3. The learned counsel appearing for the respondent seriously disputes the existence of an arbitration agreement. He further states that even according to the Arbitrator, the recusal by him was made in the year 2012 as

is apparent from his statement made before the police authorities. He further submits that the present petition is barred by limitation.

4. Since, there is no dispute that Mr Yogesh Chhabra is no longer acting as an Arbitrator, the question of terminating the mandate of the Arbitrator does not arise. Thus, the question of appointment of another arbitrator under Section 15 of the Act also does not arise.

5. The present petition is, accordingly, dismissed. It is clarified that all rights and contentions of the parties are reserved.

VIBHU BAKHRU, J

APRIL 24, 2018

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