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

+ **ARB.P. 752/2019 & IA. 16275/2019**

SHININGKART ECOMMERCE PVT. LTD. Petitioner

Through: Mr. Anoop G. Chaudhary, Sr. Adv.
with Mr. Joseph Koshy and Ms.
Binita Shahi, Advs.

versus

JIAYUN DATA LIMITED

..... Respondent

Through: Mr. Rajiv Nayar, Sr. Adv. and
Mr. Darpan Wadhwa, Sr. Adv. with
Mr. Ajay Bhargava and Mr. Shivank
Diddi, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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21.11.2019

IA. 16275/2019 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

ARB.P. 752/2019

This petition has been filed by the petitioner with the following prayers:

“In View of the abovementioned facts and circumstances it is therefore most humbly prayed that this Hon'ble Court may graciously be pleased to:

(a) Pass an order to appoint an Arbitrator in exercise of power conferred by section 11(5) of the Arbitration and Conciliation Act, 1996 in the interest of justice to settle the dispute and difference arising between the parties to the petition in terms of the Arbitration and Conciliation Act, 1996.

(b)Any other relief which this Hon'ble Court may deem fit in the facts and circumstances of the case.”

At the outset, Mr. Rajiv Nayar, learned Sr. Counsel appearing for the respondent has raised an objection on the maintainability of the petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996.

Mr. Nayar states, the earlier learned Arbitrator has recused himself from arbitrating the disputes between the parties and in his place a new Arbitrator has been appointed. He has drawn my attention to the e-mail and the letter of the petitioner dated November 15, 2019 respectively, to contend that the petitioner itself has given no objection on the appointment of the new learned Arbitrator.

The only submission made by Mr. Anoop G. Chaudhary, learned Senior Counsel appearing for the petitioner is that instead of a sole Arbitrator, there should be a panel of Arbitrators.

Noting the fact that the petitioner itself has given no objection with regard to the appointment of the new learned Arbitrator vide the above communications, I do not think that it is a case where this court should exercise its jurisdiction under Section 11 (6) of the Arbitration and Conciliation Act, 1996.

The petition stands disposed of.

Dasti.

V. KAMESWAR RAO, J

NOVEMBER 21, 2019/jg