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

+ **ARB.P. 775/2018**

HEMANT AGGARWAL

..... Petitioner

Through: Mr. Nikhilesh Krishnan, Advocate.

versus

VIVEK AGGARWAL & ORS.

..... Respondents

Through: Mr. Kaustubh Anshuraj with Mr. Anshuman Ashok, Advocates for R-1 & R-2.

Mr. Rajnish Kumar, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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16.01.2019

1. The record shows that respondent no.3 has also been served. Despite service respondent no.3 is not represented. Counsel for respondent nos.1, 2 and 4 say that there is no dispute about the existence of an arbitration agreement.

2. Learned counsel for the parties further affirm that the named Arbitrator has resigned.

2.1 The submission of counsel for the parties is that they would have no difficulty in this Court appointing an independent Arbitrator.

3. Accordingly, Ms. Justice Manju Goel, former Judge, Delhi High

Court (Mob. No.: 9818000330), is appointed as substitute Arbitrator in place of Mr. Aditya Jain whose mandate shall stand terminated. I am informed that the matter is at the stage of pleadings. The substitute Arbitrator will continue with the arbitration proceeding from the stage at which it is presently positioned.

4. Counsel for the parties appearing before me also agree that a direction be issued to the effect that the fee would be paid to the learned Arbitrator as per the provisions of the Fourth Schedule appended to the Arbitration and Conciliation Act, 1996 (in short '1996 Act'). It is ordered accordingly.

5. Before entering upon reference, the learned Arbitrator will file a declaration as required under Section 12 and other attendant provisions of the 1996 Act.

6. The petition is disposed of in the aforesaid terms.

7. The Registry will dispatch a copy of the order to the learned Arbitrator.

RAJIV SHAKDHER, J

JANUARY 16, 2019

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