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

+ O.M.P. (T) (COMM.) 22/2021 & I.A.2918/2021

IACM SMART LEARN LTD

..... Petitioner

Through: None

versus

DR. KANWAL SINGH SOLANKI

..... Respondent

Through: Mr. Vichitra Kumar and
Mr. Inder Chand, Advs. with respondent

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (O R A L)

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20.05.2021

(Video-Conferencing)

1. There is no appearance on behalf of the petitioner.
2. I have heard Mr. Vichitra Kumar, learned Counsel for the respondent.
3. As is noted in the order dated 25th February, 2021, the appointment of Mr. Ram Bhagat Singh, presently functioning as Sole Arbitrator arbitrating on the disputes between the parties was in the teeth of Clause 10 of the lease deed dated 9th August, 2019, between the parties, which required the arbitrator to be appointed by both parties. Unilateral appointment of the arbitrator was, therefore, clearly impermissible. Accordingly, Mr. Ram Bhagat Singh is rendered *de*

jure incapable of continuing to function as the Arbitrator within the meaning of Section 14(1) of the Arbitration & Conciliation Act, 1996.

4. Mr. Kumar, cognizant of this position, does not oppose the prayer for an alternate arbitrator being appointed by the Court.

5. As such, without expressing any opinion on any of the contentions in the petition or as advanced by this Court and recorded in the order dated 25th February, 2021, the present petition is disposed of by referring the parties to the Delhi International Arbitration Centre (DIAC), who would appoint a suitable substitute Arbitrator to arbitrate on the disputes between the parties. The arbitration shall be conducted under the aegis of the DIAC and shall abide by the rules and regulations of the DIAC. The fees would also be determined by the DIAC in accordance with the schedule of fees maintained by it.

6. With the aforesaid observations, this petition alongwith pending application stands disposed of.

C.HARI SHANKAR, J

MAY 20, 2021/kr