

\$~11

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

%

***Date of decision: 31.08.2021***

+ O.M.P. (T) (COMM.) 72/2021

THAPAR BUILDERS PRIVATE LIMITED .... Petitioner

Through Mr. Pankaj Kumar Singh, Adv.

versus

THOMAS AND COMPANY PVT LTD .... Respondent

Through Mr. Gursat Singh, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**J U D G M E N T (oral)**

1. The present petition has been filed by the petitioner under Section 15(2) of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator under substitution.
2. Learned counsel for petitioner submits that vide order and judgment dated 17.02.2021, this Court appointed Justice (Retd.) G.S. Sistani sole Arbitrator to adjudicate the dispute that had arisen between the parties.
3. Thereafter, vide email dated 25.03.2021 the sole Arbitrator informed the counsel for the petitioner and respondent about his inability to act as an Arbitrator, as his son had previously appeared for one of the parties.

4. Learned counsel for petitioner submits that a substituted Arbitrator may be appointed in terms of Order and Judgment dated 17.02.2021, as Justice (Retd.) G.S. Sistani has recused and conveyed his inability to act as an Arbitrator.

5. The aforesaid submission is affirmed by learned counsel for respondent who submits that there is no objection to appointment of substituted Arbitrator.

6. Accordingly, **Justice (Retd.) Mool Chand Garg (Mobile: 9899337979)** is appointed sole Arbitrator to adjudicate the disputes between the parties.

7. The arbitration shall be conducted under the Delhi International Arbitration Centre (DIAC). The fee of the Arbitrator shall be in accordance with the schedule of fees prescribed under the Delhi International Arbitration Centre (DIAC) (Internal Management) Rules and Delhi International Arbitration Centre (Administrative Cost and Arbitrators' Fees) Rules, 2018.

8. The learned Arbitrator shall ensure compliance of Section 12 of Arbitration and Conciliation Act, 1996 before commencing the arbitration.

Needless to say, all issues are left open for adjudication and consideration by the learned Arbitrator.

9. A copy of this order be sent to the learned Arbitrator for information.

10. The petition is accordingly disposed of.

**AUGUST 31, 2021/rk** **SURESH KUMAR KAIT, J**

