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

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Date of decision: 09.08.2021

+ O.M.P. (T) (COMM.) 74/2021

SACHEEROME ADVANCED TECHNOLOGIES (SAT)

..... Petitioner

Through: Mrs. Geeta Luthra, Senior Advocate
with Mr. Anshul Duggal, Ms. Ashna
Avasthi, Ms. Swati Singh, with
Mr. Dhruv Arora AR of petitioner

Versus

NEC TECHNOLOGIES INDIA PVT. LTD. (NECI) Respondent

Through: Ms. Satya Jha, Advocate

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

The hearing has been conducted through video conferencing.

I.A. 9852/2021 (exemption)

1. Allowed subject to all just exceptions.
2. The application is disposed of.

I.A. 9853/2021 (exemption)

3. The application is disposed of with direction to file necessary affidavits within four days of this Court resuming normal functioning.

O.M.P. (T) (COMM.) 74/2021

4. The present petition has been preferred by the petitioner under the provisions of Section 14 (1) (A) read with Section 15 of the Arbitration and
O.M.P. (T) (COMM.) 74/2021

Conciliation Act, 1996 seeking appointment of substituted Arbitrator, to adjudicate the dispute between the parties.

5. Learned senior counsel appearing on behalf of petitioner submits that parties had entered into an agreement dated 11.06.2019 consisting of an arbitration clause/arbitration agreement. Thereafter, disputes had arisen between the parties and in a petition [Arb. Pet. 702 of 2020] preferred by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996, Mr. Rajiv Bansal, Senior Advocate, was appointed as Arbitrator. However, during pendency of the pleadings/ proceedings, the learned Arbitrator met with his unfortunate demise on 17.05.2021 and so, another Arbitrator has to be appointed in this case. Learned senior counsel for petitioner further submits that arbitration proceedings were in progress and pleadings were in mid-way, therefore, the entire proceedings be not conducted afresh and the proceedings may continue further.

6. Notice issued.

7. Ms. Satya Jha, Advocate, accepts notice on behalf of respondent and submits that the present petition seeking appointment of another Arbitrator is not disputed.

8. Keeping in view that after demise of Mr. Rajiv Bansal, Senior

Advocate, appointment of a substituted Arbitrator is not disputed, the present petition is allowed.

9. Accordingly, Ms. Radhika Biswajit Dubey, Advocate (Mobile: 9810982927) is appointed Sole Arbitrator to adjudicate the dispute between the parties.

10. The fee of the learned Arbitrator shall be governed by the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

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

12. Needless to say the pleadings/proceedings before the Arbitral Tribunal shall resume where it were left.

13. A copy of this order be transmitted/sent to the learned Arbitrator for information.

14. With aforesaid directions, the present petition is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

AUGUST 09, 2021
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