



\$~1

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

% Judgment delivered on: 13th May, 2022

+ ARB.P. 150/2022

MACART EQUIPMENT PRIVATE LIMITED Petitioner

versus

DELHI INTERNATIONAL ARBITRATION
CENTRE & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Arunava Mukherjee, Advocate (through VC)

For the Respondents: Mr. Rohit Jain Advocate with Mr. Gaurav Jain, Advocates
for R-2

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Petitioner seeks a direction to the Delhi International Arbitration Centre (DIAC) to appoint a retired Judge to act as a Sole Arbitrator in the case DIAC No. 2858/01-21.

2. Learned counsel for the petitioner submits that the petitioner had invoked arbitration and DIAC had requested the parties to accept/propose the name of the Arbitrator from the panel maintained

ARB.P. 150/2022

Page 1 of 3



by the DIAC.

3. Learned counsel submits that the petitioner had suggested the names of formers Judges of this Court whereas respondent no. 2 had suggested the names former District Judges. He submits that instead of appointing a former Judge, the DIAC has appointed an Advocate as an Arbitrator.

4. Learned counsel submits that though the petitioner does not cast any aspersion on the Arbitrator appointed, however, the understanding of the petitioner was that a person with judicial experience would be appointed as an Arbitrator. He submits that he has no objection to a former District Judge being appointed.

5. Learned counsel for the respondent submits that without prejudice to his rights and contentions, he has no objection to the Arbitrator being substituted by a former Judicial Officer.

6. In view Mr. Bharat Bhushan, Addl. District Judge (Retd.) Delhi (Mobile No. +91 9899285640) on the panel of the DIAC is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

7. The arbitration shall take place under the aegis of the DIAC in accordance with its rules and regulations.

8. The arbitrator would be entitled to charge fees in accordance



with the schedule of fee stipulated by the DIAC.

9. The arbitrator shall furnish the requisite disclosure under section 12 of the Arbitration and Conciliation Act, 1996 within one week of entering reference.

10. It is clarified that the Arbitrator has been substituted solely in view of the consent of the parties without casting any aspersion on the existing Arbitrator who had been appointed by DIAC.

11. Petition is disposed of in the above terms.

MAY 13, 2022
‘rs’

SANJEEV SACHDEVA, J

भारतमेव जयते