

between them and it claimed certain amount from the respondents while invoking the arbitration clause. Thereafter, the applicant appointed the arbitrator and the proceedings were initiated. But, by e-mail dated 21.12.2021, the sole arbitrator informed the parties that he would not be able to continue as an arbitrator for resolving disputes between the parties. In this backdrop, on 24.01.2022, the present application was filed wherein the applicant has invoked Section 15 of the Arbitration and Conciliation Act, 1996 for substitution of the sole arbitrator.

5. This Court has heard the learned counsel for the applicant in the backdrop of the material placed on record. There can be no dispute about the fact that the arbitration clause, in the present case, would be hit by Section 12(5) of the Act as it provides for unilateral appointment of arbitrator. The learned counsel for the applicant submits that this Court may appoint a neutral arbitrator in the backdrop of the fact that the sole arbitrator has recused himself and withdrawn from the arbitration proceedings.

6. Considering the factual position in the present case, the situation contemplated under Section 15(1)(a) of the Act has arisen as the mandate of the arbitrator has been terminated due to the fact that he has withdrawn from the arbitration. In that light, this Court is convinced that sufficient ground is made for exercising power under Section 15(2) of the said Act for substituting the arbitrator.

7. Considering the extent of claim raised by the applicant, which can be related to the claims stated in the invocation notice, it would be appropriate that an advocate practising in this Court is substituted as the sole arbitrator.

8. Accordingly, Colonel D. K. Bishnoi, Advocate is appointed as the substituted arbitrator for resolution of disputes between the parties. The

details of the substituted arbitrator are as follows:-

Colonel D. K. Bishnoi, Advocate

Chamber No.10, Oriental Business Centre,
Rajabhadur Mansion, Near Bombay Stock Exchange (BSE),
Ambalal Doshi Marg, Fort, Mumbai - 400 001.

Mobile : 9370166350 / 70045199859 / 9417878344

Email : kmrdinesh73@gmail.com

9. The applicant shall inform the said learned arbitrator at the earliest about the order passed today.
10. Learned Arbitrator is requested to communicate his consent and disclosure statement in terms of Section 11(8) and 12(1) of the aforesaid Act to the Prothonotary and Senior Master of this Court, within three weeks from today.
11. The fees of the learned Arbitrator shall be fixed in terms of the Fourth Schedule to the aforesaid Act.
12. All questions are kept open for decision by the learned arbitrator.
13. The application stands allowed in above terms.

(MANISH PITALE, J.)

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