



\$~30 & 37

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(MISC.)(COMM.) 133/2024**
THE IMPERIAL DESIGN COMPANY Petitioner

Through: Mr. T.P.S. Kang, Advocate.

versus

SEASON LIFESTYLE PVT. LTD. AND ORS. Respondents

Through: Mr. Gaganpreet Chawla, Mr. Aditya
Goswami and Mr. Vinay Pathak,
Advocates.

+ **O.M.P. (T) (COMM.) 47/2024**
THE IMPERIAL DESIGN COMPANY Petitioner

Through: Mr. T.P.S. Kang, Advocate.

versus

SEASONS LIFESTYLE PVT LTD Respondent

Through: Mr. Gaganpreet Chawla, Mr. Aditya
Goswami and Mr. Vinay Pathak,
Advocates.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **24.05.2024**

O.M.P.(MISC.)(COMM.) 133/2024

By way of the present petition under section 29A of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks extension of the mandate of the learned Sole Arbitrator for a further period of 12 months with effect from 07.02.2024, when the last mandate expired.



2. In the meantime however, it transpires that the learned Arbitrator who was seized of the matter has chosen to recuse from the proceedings *vide* e-mail dated 10.04.2024 addressed to the parties. A copy of e-mail dated 10.04.2024 has been filed alongwith O.M.P. (T) (COMM.) No.47/2024.
3. In view thereof, the present petition has been rendered infructuous and is disposed-of as such.
4. Pending applications, if any, also stand disposed-of.

I.A. 29761/2024 (exemption) in O.M.P. (T) (COMM.) 47/2024

5. Exemption granted, subject to just exceptions.
6. Let requisite compliances be made within 01 week.
7. Application stands disposed-of.

O.M.P. (T) (COMM.) 47/2024

8. This petition has been received upon being released by a Co-ordinate Bench since the connected matter bearing O.M.P.(MISC.)(COMM.) No.133/2024 was before this court.
9. By way of the present petition under section 15(2) of the A&C Act the petitioner seeks substitution of the learned Sole Arbitrator who is seized of the disputes between the parties, since the learned Sole Arbitrator has recused from the proceedings *vide* e-mail dated 10.04.2024, a copy of which has been placed on record.
10. Though notice was issued by the Co-ordinate Bench on 20.05.2024, the respondent has not filed any reply.
11. Mr. Gaganpreet Chawla, learned counsel for the respondent points-out that the pending arbitral proceedings are only between the Imperial Design Company and M/s Seasons Lifestyle Pvt Ltd; however, in



O.M.P.(MISC.)(COMM.) No.133/2024 the petitioner has also impleaded the directors of M/s Seasons Lifestyle Pvt Ltd as party-respondents in the matter. Counsel submits however, that the directors are not parties to the arbitral proceedings.

12. That being said, Mr. Chawla submits that since the learned Arbitrator has recused from the proceedings, a substitute arbitrator be appointed, clarifying that the arbitral proceedings shall continue between the parties who are part of those proceedings and that the directors will not be added as parties to the arbitral proceedings.
13. In view of the above, the present petition is disposed-of, **Mr. Vivek B. Saharya, (former Additional District Judge) (Cellphone No.: +91 9811156831)** is appointed as the learned Sole Arbitrator to continue with the pending arbitral proceedings from the stage that they were at before the previous Sole Arbitrator.
14. The learned Sole Arbitrator would furnish to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
15. Since the arbitral proceedings have reached a certain stage, the learned Arbitrator shall be at liberty to decide his own fee, bearing in mind the Fourth Schedule to the A&C Act.
16. Parties shall share the arbitrator's fee and arbitral costs, equally.
17. The petitioner is directed to collect the original arbitral record from the previous Arbitrator and to place them before the learned Arbitrator hereby appointed within 04 weeks.



18. It is pointed-out by learned counsel for the parties that the mandate of the previous Sole Arbitrator had expired. In the circumstances of the case, the mandate of the learned Arbitrator hereby appointed would be 09 months from the date that the record of the arbitral proceedings is placed before him, subject to any further extensions as may be sought later.
19. A copy of this order be communicated to the learned Arbitrator by e-mail.
20. The petition is disposed-of.
21. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 24, 2024/ak