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

+ O.M.P. (COMM) 63/2019

SANJEEV KUMAR JHAPetitioner

Through: Dr. Amit George, Mr Kartikey
Mathur, Mr. KK Shukla, Mr. Rupam Jha, Mr.
Dushyant Kaul, Ms. Ibansara, Ms. Suparna Jain,
Advs.

versus

PS CHAUDHARYRespondent

Through: Mr. Gurbaksh Singh, Mr. Arjun, Mr.
Daleep Singh, Advs.

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+ O.M.P. (COMM) 143/2020

SH. P.S. CHOUDHARYPetitioner

Through: Mr. Gurbaksh Singh, Mr. Arjun, Mr.
Daleep Singh, Advs.

versus

SANJEEV KUMAR JHARespondent

Through: Dr. Amit George, Mr Kartikey
Mathur, Mr. KK Shukla, Mr. Rupam Jha, Mr.
Dushyant Kaul, Ms. Ibansara, Ms. Suparna Jain,
Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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23.09.2024

1. These are cross section 34 petitions seeking setting aside of the Arbitral Award dated 06.10.2018 passed by the learned Sole Arbitrator.
2. In O.M.P. (COMM) 63/2019, it is stated by Dr. George, learned counsel for the petitioner (i.e. Sanjeev Kumar Jha) that his claims have been rejected on the ground of limitation.
3. In O.M.P. (COMM) 143/2020, it is stated by Mr Singh, learned counsel for the petitioner (i.e. Sh. P.S. Choudhary) that the impugned Award be



set aside as his counter-claims have been rejected and the Award is based on forged and fabricated documents (which is opposed by Dr. George, learned counsel).

4. The fact of the matter remains that both the parties herein seek setting aside of the Arbitral Award dated 06.10.2018 and are agreeable to the appointment of a fresh Arbitrator who shall adjudicate the disputes *de novo* between the parties.
5. I have already taken a view in O.M.P. (COMM) 11/2023 titled as “***Central University of Jharkhand vs M/s. Kings Furnishing and Safe Co.***” that with consent of parties, the Arbitral Award can be set aside and the fresh Arbitrator can be appointed.
6. In this view of the matter, with the consent of the learned counsel for the parties, the Arbitral Award dated 06.10.2018 is set aside and the following directions are issued:-
 - i) Mr. Sameer Sharma Adv. (Mob. No. 9213857759) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the ‘DIAC’).
 - iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators’ Fees) Rules, 2018.
 - iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.



- v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
 - vi) The parties shall approach the learned Arbitrator within two weeks from today.
7. The petitions are disposed of in the aforesaid terms.

JASMEET SINGH, J

SEPTEMBER 23, 2024 / (MS)

Click here to check corrigendum, if any