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

+ **O.M.P. (T) (COMM.) 19/2024**

SWASTIK PIPE LTD.

..... Petitioner

Through: **Mr. Sanjay Jain & Ms. Ankita
Kedia, Advocates.**

versus

AVON INDUSTRIES

..... Respondent

Through: **Mr. Lal Singh Thakur, Advocate.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **29.04.2024**

1. Further to the order dated 12.03.2024, Mr. Lal Singh Thakur, learned counsel enters appearance on behalf of the respondent. He has taken instructions and submits that a substitute arbitrator may be appointed to proceed with the arbitration proceedings, from the stage at which they were before the erstwhile arbitrator. This submission is made without prejudice to the rights and contentions of the respondent to seek appropriate procedural orders before the learned arbitrator so appointed.
2. With the consent of learned counsel for the parties, the petition is disposed of with the direction that mandate of the learned arbitrator appointed by order dated 05.01.2022 in ARB.P. 90/2021 is terminated. The learned arbitrator is requested to hand over the arbitral record to the learned counsel for the petitioner.



3. The matter is referred for arbitration under the aegis of Delhi International Arbitration Centre, Shershah Road, New Delhi-110503 [“DIAC”]. DIAC is requested to nominate an arbitrator from its panel.
4. The learned arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
5. The arbitration will continue from the stage at which it was before the erstwhile arbitrator. The record of the erstwhile arbitrator will be placed before the newly appointed arbitrator by learned counsel for the petitioner.
6. All rights and contentions of the parties, both on the question of procedure and on merits of the matter, are left open for adjudication by the newly appointed arbitrator.
7. The petition stands disposed of with these observations.

PRATEEK JALAN, J

APRIL 29, 2024
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