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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (T) (COMM.) 37/2023

M/S FREGNENCE CHITS PVT. LTD.

..... Petitioner

Through: Mr. Vivek Srivastava & Mr. Milind
Srivastava, Advs. (M- 8750391412)

versus

MRS. PRIYA GHAI & ORS.

..... Respondents

Through: Ms. Manika Tripathy SC for DDA
with Mr. Shashi Pratap Adv, Mr.
Dishant Bhati, Adv. (M-
9560968722)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **15.05.2024**

1. This hearing has been done through hybrid mode.
2. The Petitioner-M/s. Fragrance Chits Pvt. Ltd., has filed the present petition under Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter, 'the Act'), seeking appointment of an Arbitrator to adjudicate the disputes between the parties. The said petition has been filed following the refusal of the Id. Sole Arbitrator, who had entered into the reference on 26th February, 2022, but recused himself vide order dated 1st November, 2022.
3. Since inception, notice has been issued repeatedly in this matter and for one reason or the other, there was no appearance.
4. Vide order dated 30th January, 2024, the Court had also directed the lawyer appearing for the Respondents before the arbitral tribunal i.e., Mr. Sachin Jain to be served. The said Id. Counsel had refused to accept notice as was recorded in the order dated 19th March, 2024. The Petitioner was then permitted to take summons and notice through WhatsApp.



5. The notice is now stated to have been served by the Petitioner through WhatsApp as per the affidavit of service. Respondent Nos. 2 and 3 are stated to have been served through WhatsApp i.e., on the mobile number of Mr. Gagan Ghai i.e., 9211239148 and Mr. Devender Sharma at mobile no. 9971176750. Respondent No.1 is stated to be the wife of Respondent No.2.

6. In view of the affidavit of service which has now been filed, the Respondents are taken to be served.

7. The matter is only for substitution of Sole Arbitrator in view of the recusal on 1st November, 2022. Considering the nature of the matter and the claim amount, the mandate of Mr. Sunil Dutt, Sole Arbitrator is terminated. In place thereof, **Mr. Pranav Goyal (Chamber No. 288, New Layers' Chambers Block-II, Delhi High Court, Mob. No. 9654854905, email: goyal.pranav@gmail.com)** who is present in Court, is appointed as the substituted Arbitrator in this matter.

8. The Id. Arbitrator shall be paid a lump sum fee of Rs.1 lakhs to be equally shared between the parties.

9. List before the Id. Arbitrator on 5th July, 2024.

10. A copy of this order be served upon the Respondents at the above mobile numbers once again by the Registry i.e., to Mr. Gagan Ghai i.e., 9211239148 and Mr. Devender Sharma at mobile no. 9971176750.

11. Petition is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

MAY 15, 2024

Rahul/bh