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

+ **O.M.P. (T) (COMM.) 31/2024**

PANKAJ MITTAL

..... Petitioner

Through: Mr. Bhupesh Narula, Ms. Rinku Narula, and Mr. Anugrah Ekka, Advs (M: 9999877309).

versus

UNION OF INDIA

..... Respondent

Through: Mr Mukul Singh, CGSC (M: 9971359512).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **10.04.2024**

1. This hearing has been done through hybrid mode.
2. This is a petition filed on behalf of the Petitioner- Mr. Pankaj Mittal under Section 14 of the Arbitration and Conciliation Act, 1996 (hereinafter, 'the Act') seeking termination of the mandate of the Id. Arbitrator who was appointed vide order dated 2nd May, 2023 in **ARB.P.1029/2022**. The Id. Arbitrator was appointed in terms of Clause 64 of the General Conditions of Contract.
3. The grounds averred in the petition for seeking termination of the mandate of the Id. Arbitrator are *inter alia*, that the Id. Arbitrator did not take steps to proceed with the arbitration even after 10 months of his appointment i.e., 2nd May, 2023. Further, it is averred that the statement of claim and defence which per Section 23(4) of the Act, which is to be completed within a period of six months from the date of reference of Id.



Arbitrator, has also not been completed. This, as per the Petitioner discloses the failure on part of the Id. Arbitrator to act as per the timelines prescribed.

4. Ld. Counsels for both the parties concede that the arbitration proceedings had not started before the earlier Id. Arbitrator. No fee was paid to the Id. Arbitrator as the Id. Arbitrator had not even entered the reference.

5. Notice was issued on 2nd April, 2024 and Mr. Mukul Singh, Id. CGSC had accepted notice and sought time to take instructions.

6. Today, Id. CGSC submits that Respondent has no objection if the substitute Arbitrator is appointed in the said matter, after terminating the mandate of the earlier arbitral tribunal.

7. Accordingly, the mandate of the earlier Id. Arbitrator is terminated. **Mr. Jagjit Singh, Advocate (M:9810034684)** is appointed as the sole Arbitrator for adjudication of the disputes under the aegis of the Delhi International Arbitration centre.

8. The arbitration proceedings shall take place under the aegis of the Delhi International Arbitration Centre (*hereinafter, DIAC*). The arbitration proceedings shall be conducted under the Rules of DIAC. The fee of the Id. Sole Arbitrator shall be as per the Fourth Schedule of the Act, as amended by the DIAC Rules, 2023.

9. List before the DIAC on 6th May, 2024.

10. Let a copy of the present order be emailed to Secretary, DIAC on email id- delhiarbitrationcentre@gmail.com.

11. Petition is disposed of.

PRATHIBA M. SINGH, J.

APRIL 10, 2024

mr/bh