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

+ **O.M.P. (T) (COMM.) 80/2023**

S.B. TRADERS (MERCHANT) & ANR. Petitioners

Through: Mr. Nitin Jain and Ms. Amisha Jain,
Advvs.

versus

NEOGROWTH CREDIT PRIVATE LIMITED Respondent

Through: Mr. Ajay Goyal, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

23.01.2024

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1. This is a petition under Section 14 and 15 of the Arbitration and Conciliation Act, 1996 to terminate the mandate of the learned Sole Arbitrator in Arbitration Case No. RK/1179773/2023 titled as “*Neogrowth Credit Private Limited vs. SB Traders (Merchant) & Anr.*”

2. Mr. Jain, learned counsel for the petitioner has challenged the appointment of the learned Sole Arbitrator on the ground that the same is the has been unilaterally appointed by the respondent without the mutual consent of the petitioner.

3. Mr. Goyal, learned counsel for the respondent has informed the Court that the learned Sole Arbitrator so appointed i.e. Mr. Ravi Kumar, Advocate has recused himself from conducting the present arbitration proceedings. He undertakes to place the said letter on record. Let him do so within one week from today.



4. In terms of Section 15 of the Arbitration and Conciliation Act, 1996, the mandate of the arbitrator comes to an end when the Arbitrator withdraws from the office for any reason.

5. In this view of the matter and since the mandate of the appointed Arbitrator comes to an end, this Court is competent to appoint another Arbitrator to adjudicate the disputes between the parties.

6. For the said reasons, the petition is allowed and disposed of with the following directions:

- i) Mr. Abhishek Singh (Adv.) (Mob. No. 9015203289) 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'). The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) 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 on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
- v) The parties shall approach the learned Arbitrator within two weeks from today.

JASMEET SINGH, J

JANUARY 23, 2024/DM

Click here to check corrigendum, if any