



2024:DHC:6126



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

+ **O.M.P. (T) (COMM.) 65/2024**

MS SIERRA APPLIANCES PVT. LTD.....Petitioner

Through: **Mr. Amardeep Singh, Adv.**

versus

**MS STELLAR CONSTELLATION
PROJECTS PVT. LTD.**

.....Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

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12.08.2024

O.M.P. (T) (COMM.) 65/2024

1. This is a petition under Section 15 of the Arbitration and Conciliation Act, 1996 ("the 1996 Act") for appointment of a new arbitrator to continue with the arbitral proceedings between the parties as the earlier arbitrator Mr. G.P. Thareja has unfortunately expired.

2. There is no appearance on behalf of the respondent despite notice, nor there is any reply filed to the petition. In any event, as the learned arbitrator has expired, this Court has necessarily to appoint another arbitrator to arbitrate on the disputes between the parties.

3. Accordingly, this Court appoints Mr. Abhishek Jaju (Mob: 9818543494), as the arbitrator to arbitrate on the disputes between the parties.

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Page 1 of 2

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2024:DHC:6126



4. The arbitrator would be entitled to fees in terms of the Fourth Schedule to the 1996 Act. The arbitrator is also requested to file a disclosure under Section 12(2) of the 1996 Act within a week of entering on reference. The arbitral proceedings shall continue from the point at which they stand when Mr. Thareja unfortunately expired.
5. The petition stands disposed of in the aforesaid terms.
6. Let a copy of this order be communicated to the respondent as well as to learned Counsel who appeared on behalf of the respondent in the arbitral proceedings by all modes including email.
7. Learned arbitrator appointed by the order passed today would take appropriate steps to requisition the arbitral records from the premises of the earlier arbitrator. The mandate of the Arbitral Tribunal shall also stand extended by six months from the date the new arbitrator enters on the reference. The mandate of the Arbitral Tribunal shall be treated as continuing till today.

C.HARI SHANKAR, J

AUGUST 12, 2024

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Click here to check corrigendum, if any

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