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

+ O.M.P. (T) (COMM.) 67/2024

RAYMON MOTORS

.....Petitioner

Through: Mr. Amit Bhagat, Advocate.

versus

HERO MOTOCORP LIMITED

.....Respondent

Through: Mr. Rahul Malhotra, Mr. Kashish Mathur & Ms. Shambhavi Kanada, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**12.08.2024**

1. This petition has been filed under Sections 14 and 15 of the Arbitration and Conciliation Act, 1996 [“the Act”], for termination of the mandate of the learned arbitral tribunal, which was in *seisin* of disputes between the parties under an agreement dated 20.02.2018.
2. The learned arbitrator was appointed by this Court vide order dated 22.03.2022 in ARB.P. 352/2022. The parties were heard in full by the learned arbitrator and the matter was on the verge of conclusion of arguments. However, the learned arbitrator, by an email dated 20.06.2024, informed the parties that he will not be able to conclude the proceedings, and requested the parties to take appropriate steps for appointment of a new arbitrator.
3. The petitioner has therefore sought termination of the mandate and appointment of a new arbitrator, and a direction with regard to partial refund of fees paid to the erstwhile arbitrator. As far as the last aspect is



concerned, Mr. Amit Bhagat, learned counsel for the petitioner, states that he does not press this relief in view of a subsequent communication received from the learned arbitrator.

4. As far as termination of the mandate and appointment of a substitute arbitrator are concerned, Mr. Rahul Malhotra, learned counsel for the respondent, does not object to the relief, in view of the communication dated 20.06.2024.

5. Learned counsel for the parties agree that the arbitrator appointed today may take up the matter at the stage of final hearing and that they will endeavor to conclude their submissions in two hearings each.

6. Having regard to the above, with the consent of learned counsel for the parties, the mandate of the learned sole arbitrator is terminated and Hon'ble Mr. Justice Vinay K. Jain, former Judge of this Court [Tel: 9650116555] is appointed as the Arbitrator. The arbitral proceedings will be taken up at the stage of final hearing.

7. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

8. The arbitral record will be placed before the learned Arbitrator by the learned counsel for the parties.

9. The fee of the learned Arbitrator is fixed at Rs. 5 lakhs, to be shared equally between the parties.

10. The petition is disposed of with the aforesaid directions.

**PRATEEK JALAN, J**

**AUGUST 12, 2024**

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