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

+ **O.M.P. (T) (COMM.) 76/2024**

MOHIT ANAND DESIGN

.....Petitioner

Through: Mr. Mohit Chaudhary, Mr. Kunal Sachdeva, Ms. Vaishali Shukla, Mr. Nishant Walia and Mr. Abhishek Chabra, Advocates.

versus

SANJAY SINGH

.....Respondent

Through: Mr. Devajyoti Bhattacharya, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

28.10.2024

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1. The present petition under Section 15 of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner seeking substitution of Arbitrator to adjudicate upon the disputes which have arisen between the parties under the Interior Work Agreement dated 16.04.2022.

2. Material on record discloses that a petition being ARB.P. 563/2024 under Section 11 of the Arbitration and Conciliation Act, 1996 had been filed by the Petitioner for appointment of an Arbitrator to adjudicate upon the disputes between the parties and this Court *vide* Order dated 03.05.2024 had appointed Justice G. P. Mittal, Former Judge of this Court, as an Arbitrator. However, on account of certain differences arose regarding payment of arbitral fee and the Ld. Arbitrator *vide* proceedings dated 21.06.2024 has recused himself from the arbitration proceedings.



3. This Court is not entering into the controversy as to whether fee schedule fixed by the Ld. Arbitrator was in consonance with the Rules governing Delhi International Arbitration Centre (DIAC) or not.
4. In view of the fact that the Ld. Arbitrator has recused himself, this Court is inclined to appoint Ms. Asha Menon, Former Judge of this Court as an Arbitrator. The fee of the Ld. Arbitrator shall be fixed in terms of the Rules of DIAC.
5. The Ld. Arbitrator is requested to hear the applications filed by the Respondent under Sections 16 and 17 of the Arbitration and Conciliation Act, 1996 at the earliest.
6. The petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

OCTOBER 28, 2024

S. Zakir