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

+ **O.M.P. (T) (COMM.) 91/2024**

SUNIL KUMAR CHANDRA

.....Petitioner

Through: Mr. S.D. Singh, Mrs. Shweta Sinha,
Mr. Kamla Prasad, Mr. Siddhartha
Singh and Ms. Meenu Singh,
Advocates.

versus

M/S SPIRE TECHPARK PVT. LTD.

.....Respondent

Through: Ms. Nistha Gupta and Mr. Anuj
Panwar, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

01.10.2024

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1. The Petitioner has approached this Court under Section 15(2) of the Arbitration & Conciliation Act for appointment of a substitute Arbitrator in view of the withdrawal of the learned Arbitrator from the arbitration proceedings *vide* Order dated 07.08.2024.
2. The facts of the case reveal that an Arbitrator had been appointed by this Court *vide* Communication dated 18.01.2023 in ARB.P. 1102/2022. However, *vide* Order dated 07.08.2024, the learned Arbitrator has expressed her inability to continue with the Arbitration.
3. Learned Counsel for the Respondent states that she has no objection to appoint the substitute Arbitrator. However, she states that there have been allegations made in the petition regarding the conduct of the Counsel for the Respondent.
4. Mr. S D Singh, learned Counsel for the Petitioner, states that he does not press any of the averments made against the Counsels and states that all



the submissions made against the Counsels be treated as expunged from the petition. The statement is taken on record. All the allegations made against the Counsels stand expunged.

5. During the course of hearing, respective Counsel for the parties jointly request that an independent Sole Arbitrator be appointed to adjudicate the disputes between the parties.

6. Accordingly, Ms. Varuna Bhandari Gugnani (Adv.) (Mob. No. 9810400605) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

7. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

8. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on reference.

9. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

10. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

11. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

OCTOBER 1, 2024

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