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

+ **O.M.P. (T) (COMM.) 133/2024**

SAVELIFE INSTITUTE OF MEDICAL SCIENCES PVT LTD

.....Petitioner

Through: Mr. Parveen Kumar Aggarwal & Mr.
Abhishek Grover and Ms. Mehak,
Advocates.

versus

ANH TECHNOLOGIES PVT LTD

.....Respondent

Through: Ms. Ritika Vohra, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

14.11.2024

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1. The Petitioner has approached this Court under Section 15 of the Arbitration and Conciliation Act, 1996 seeking appointment of a substitute Sole Arbitrator to adjudicate the disputes between the parties.
2. It is stated that a Memorandum of Understanding dated 03.12.2021 was executed between the parties for Claim Desk Management Services. It is stated that disputes arose between the parties and the Respondent herein issued a notice dated 03.02.2023 to invoking arbitration.
3. It is stated that *vide* Order dated 08.02.2024, this Court appointed an Arbitrator to adjudicate the disputes between the parties and the Arbitral Tribunal was constituted on 01.03.2024. It is stated that on 13.07.2024, the learned Arbitrator recused from the matter and the parties approached this Court seeking appointment of substitute Arbitrator.



4. It is stated that on 08.08.2024, this Court appointed a substitute Arbitrator. It is stated that on 16.08.2024, the substitute Arbitrator also recused from the case. It is further stated that on 10.09.2024, the parties were informed by DIAC regarding the recusal of the Sole Arbitrator and provided a choice either to approach the Court for appointment of an Arbitrator or consent to appointment by the DIAC.

5. It is stated that since the Respondent did not agree for appointment of the substitute Arbitrator by the DIAC, the Petitioner has approached this Court by filing the instant petition for appointment of a substitute Arbitrator.

6. During the course of hearing, respective Counsel for the parties jointly request that a substitute Sole Arbitrator in place of Mr. Harish Dudani, former District Judge, be appointed to adjudicate the disputes between the parties.

7. Accordingly, Mr. Atul Buchar , Adv. (Mob. No. 9891096655) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

8. 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.

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

10. 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.



11. 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.

12. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 14, 2024

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