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

+ O.M.P. (T) (COMM.) 77/2024

M/S PAGARIA ELECTRONICS PVT LTD.Petitioner

Through: Mr. Karunesh Tandon and Mr. Rahul Chauhan, Advs.

versus

M/S PIONEER ELECTRONICSRespondent

Through: Mr. Amit Bhagat and Ms. Arzoo Raj, Advs.

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+ O.M.P.(I) (COMM.) 399/2024

PIONEER ELECTRONICSPetitioner

Through: Mr. Amit Bhagat and Ms. Arzoo Raj, Advs.

versus

PAGARIA ELECTRONICS PVT LTD.Respondent

Through: Mr. Karunesh Tandon and Mr. Rahul Chauhan, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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24.12.2024

I.A. 49909/2024 in O.M.P. (T) (COMM.) 77/2024

1. This is an application seeking early hearing of the O.M.P. (T) (COMM.) 77/2024.
2. The application is not opposed by the learned counsel for the respondent. Accordingly, the present application is allowed. O.M.P. (T) (COMM.) 77/2024 is taken up for hearing today itself.
3. Application stands disposed of.

O.M.P. (T) (COMM.) 77/2024

4. The present petition under Section 15 of the Arbitration and



Conciliation Act, 1996 (hereinafter '*the A&C Act*') seeks appointment of a substitute arbitrator. The present petition has been occasioned inasmuch as the learned arbitrator who was appointed by this Court *vide* order dated 16.11.2023 in O.M.P. (I)(COMM) 08/2023 has recused himself.

5. Respective counsel for the parties are in agreement that an independent sole arbitrator be appointed by this Court to adjudicate the disputes between the parties.

6. Accordingly, Mr. Sandeep Aggarwal, Sr. Advocate (Mob. No.: 9811044426) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

7. The learned Sole Arbitrator may proceed with the arbitration proceedings subject to furnishing to the parties requisite disclosures as required under Section 12 of the A&C Act.

8. The learned Sole Arbitrator shall fix his fees in consultation with the parties.

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 opinion of this Court on the merits of the case.

11. The present petition stands disposed of in the above terms.

12. Date given earlier i.e. 27.01.2025, stands cancelled.

O.M.P.(I) (COMM.) 399/2024

13. This is a petition filed under Section 9 of the A&C Act seeking urgent interim orders.

14. Since an arbitral tribunal has been constituted in the O.M.P. (T)



(COMM.) 77/2024, it would be apposite if the present petition be treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 and dealt with by the learned sole arbitrator. It is directed accordingly.

15. Respective counsel for the parties submit that urgent interim orders are warranted in the matters. The parties are at liberty to request the learned arbitrator for an expeditious consideration of the matter.

16. The petition is disposed of in the above terms.

DECEMBER 24, 2024/at

SACHIN DATTA, J