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

+ **O.M.P. (T) (COMM.) 35/2025**

M/S TECHMAN SHELTERS PVT LTD

.....Petitioner

Through: Ms. Vrinda Bhandari and Ms.
Vanshita Gupta, Advocates.

versus

VIJAY CHAUDHARY

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **22.09.2025**

I.A. 11864/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

O.M.P. (T) (COMM.) 35/2025

3. This petition is filed on behalf of the Petitioner under Section 15(2) read with Section 14(1) of the Arbitration and Conciliation Act, 1996 ('1996 Act') for appointment of a Substitute Arbitrator on the ground that the Arbitrator has withdrawn from the proceedings, owing to his ill health.
4. Disputes having arisen between the parties from a Collaboration Agreement dated 27.05.2004, this Court appointed the Sole Arbitrator vide order dated 15.09.2009 in ARB P. 219/2009. Parties settled their disputes amicably and executed a Settlement Agreement dated 13.08.2015 during the pendency of the arbitration. As per the Petitioner, Respondent failed to fulfil its obligations under the Settlement Agreement and Petitioner wrote to the



Arbitrator on 01.08.2023 to revive the proceedings, however, Arbitrator has expressed his inability to resume the proceedings on account of ill health and in this backdrop, present petition has been filed.

5. Notice was issued to the Respondent and as per affidavit of service filed by the Petitioner, son of the Respondent, who was available at the last known address refused to take the notice and did not disclose the address of the Respondent on the ground that he has not been in touch with his father for years.

6. Learned counsel for the Petitioner submits that the address of the Respondent furnished in the memo of parties is the last known address and Petitioner is not aware of the changed address, assuming that the Respondent does not live at the given address. It is also submitted that Respondent was proceeded *ex parte* in the arbitral proceedings vide order dated 25.07.2013, but no steps were taken for setting aside the order. Respondent is deliberately evading the proceedings as he has failed to fulfil the obligations under the Settlement Agreement.

7. From the affidavit of service, it is clear that Petitioner had made attempts to serve the Respondent at the last known address which is reflected on several documents filed with the petition. Respondent was proceeded *ex parte* during arbitration but no steps were taken to assail the said order. Son of the Respondent, who is available at the last known address of the Respondent has refused to accept notice or even disclose the address of the Respondent. In these circumstances, this petition is allowed directing appointment of a Substitute Arbitrator.

8. Learned Coordinator, Delhi International Arbitration Centre ('DIAC') is requested to take steps towards appointment of a Substitute Arbitrator.



Arbitration proceedings will be held under the aegis of DIAC and as per its Rules. Fee of the Substitute Arbitrator shall be as per the DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

9. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference and shall resume proceedings from the stage at which they were left by the erstwhile Arbitrator.

10. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open.

11. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

SEPTEMBER 22, 2025/YA