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

+ **ARB.P. 726/2025 & I.A. 11867/2025**

M/S INFINITY INTERIOR PVT.LTD

.....Petitioner

Through: Mr. Ayyub Ahmad, Adv.

versus

M/S VICTORA HOSPITALTIES PVT LTD

.....Respondent

Through: Mr. Vishal Bhatnagar and Mr. Veer
Pratap Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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11.11.2025

1. This Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties.
2. Though the present Petition has been styled as one for appointment of an Arbitrator, however, upon perusal of the material on record it is evident that the present Petition is one for substitution of the learned Arbitrator on the ground that the learned Arbitrator has passed away.
3. Material on record indicates that the Petitioner is a Contractor whose services were availed by the Respondent. It is stated that disputes arose between the parties and Mr. G.P. Thareja, former ADJ, was appointed as the Sole Arbitrator by this Court vide Order dated 25.07.2013 in ARB.P.97/2013 to adjudicate on the disputes between the parties.
4. Material on record reveals that on 05.03.2020, arguments were



concluded and the award was reserved. Soon thereafter, Covid-19 struck and the award was not pronounced during the Covid-19 pandemic. It is stated that the learned Arbitrator passed away in 2024. The Petitioner has, thereafter, approached this Court by filing the present Petition.

5. Learned Counsel for the Respondent further contends that the present Petition is barred by limitation for the reason that it has been filed in 2025 whereas the award was reserved in 2020 itself.

6. This Court is not inclined to accept the said argument for the reason that the learned Arbitrator passed away only in 2024. The present Petition has been filed one year after the death of the learned Arbitrator, which, in the opinion of this Court, is within the period specified under Section 137 of the Limitation Act.

7. In view of the fact that disputes have arisen between the parties and the learned Arbitrator appointed by this Court has passed away, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.

8. Accordingly, Mr. Raghavendra Srivatsa, Senior Advocate, (Mob No: 9818726501) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

9. 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.

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



11. 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.
12. 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.
13. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 11, 2025

Rahul