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

+ O.M.P. (T) (COMM.) 76/2023

M/S DEWAN CHAND

.....Petitioner

Through: Mr. T.P.S. Kang and Mr. Ayush
Sharma, Advocates.

versus

M/S BPTP LTD.

.....Respondent

Through: Ms. Nidhi Mohan Parashar, Mr.
Deepak Yadav and Mr. Amar Bajpayee,
Advocates.

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Through: Ms. Nidhi Mohan Parashar, Mr.
Deepak Yadav and Mr. Amar Bajpayee,
Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

26.08.2025

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1. These petitions are filed on behalf of the Petitioner seeking substitution of the Sole Arbitrator. Initially, former Judge of this Court was



appointed as a Sole Arbitrator, who passed away on 23.09.2016, in light of which on a petition filed before this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') being Arb. P. No.24/2019, Mr. Justice R.V. Easwar was appointed as a Sole Arbitrator. On account of some issues, which are irrelevant for the present, Petitioner filed a petition under Section 11(5) and (6) of the 1996 Act being Arb. P. No.5/2023 seeking appointment of another Sole Arbitrator. The petition was dismissed on 10.03.2023 by the Court on the ground that no cogent reason was provided for termination of the mandate of the learned Arbitrator and substitution. It was also held that Section 11 of the 1996 Act was wrongly invoked for substitution.

2. Learned counsels for the parties jointly apprise the Court that learned Arbitrator has returned the records of the arbitral proceedings and expressed that he does not wish to continue as an Arbitrator. In this light, it is urged that a substitute Arbitrator be appointed so that the arbitral proceedings which have been pending for a long time, can be resumed.

3. Accordingly, with the consent of the parties, Ms. Justice Sunita Gupta, former Judge of this Court, (Mobile No. 9910384628) is appointed as the substitute Arbitrator to adjudicate the disputes between the parties. As agreed by learned counsels for the parties, fee of the Arbitrator shall be fixed as per Fourth Schedule of 1996 Act. Parties agree that proceedings will resume from the stage at which they were, when the earlier Arbitrator recused from the proceedings.

4. Arbitral record is stated to have been filed in this Court by the Petitioner. Registry shall transmit the record to the learned Arbitrator within three weeks from today.



5. Petitions are disposed of in the aforesaid terms.

JYOTI SINGH, J

AUGUST 26, 2025

S.Sharma