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

+ O.M.P.(I) (COMM.) 117/2024

INTEC CAPITAL LTD

.....Petitioner

Through: Mr. Pranav Goyal, Ms. Pooja Chaudhary, Mr. Vishant Singh, Ms. Mreeganka Goyal, Advocates.

versus

AEGIS AMPOULES AND VIALS LTD & ORS.Respondents

Through: Mr. Ashish Aggarwal, Mr. Devendra Kejariwal, Ms. Arpita Bhattacharyya & Mr. Naveen Rawat, Advs for R-4.

+ O.M.P. (T) (COMM.) 114/2023, I.A. 8310/2024

M/S INTEC CAPITAL LTD.

.....Petitioner

Through: Mr. Pranav Goyal, Ms. Pooja Chaudhary, Mr. Vishant Singh, Ms. Mreeganka Goyal, Advocates.

versus

AEGIS AMPOULES AND VIALS LTD & ORS.Respondents

Through: Mr. Ashish Aggarwal, Mr. Devendra Kejariwal, Ms. Arpita Bhattacharyya & Mr. Naveen Rawat, Advs for R-4.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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04.03.2025

1. O.M.P. (T) (COMM.) 114/2023 has been filed by the Petitioner under Section 14(1)(a) & 15(2) of the Arbitration and Conciliation Act, 1996 seeking substitution of the Arbitrator for completion of the proceedings.
2. Material on record indicates that Mr. G. P. Thareja, Retd. District Judge, was appointed as a Sole Arbitrator to adjudicate on the disputes between the parties. It is stated that unfortunately Mr. G. P. Thareja, Retd.



District Judge, has passed away before pronouncement of the award.

3. Learned Counsel appearing for Respondent No.4 states that Respondent No.4 is not a signatory to the Agreement entered into between the Petitioner and the Respondent. He also states that an application has been filed before the Arbitrator for deleting Respondent No.4 from the array of parties on the ground that Respondent No.4 not being a signatory to the Agreement cannot be made a party.

4. Be that as it may. Respondent No.4 was in the array of parties before the Arbitrator and the application filed by the Respondent No.4 for deleting him from the array of parties has not been decided by the Arbitrator.

5. In view of the fact that the Arbitrator has passed away, Mr. Rakesh Kumar Dudeja, Advocate (Mobile No.:9810147798) is appointed as a substitute Arbitrator.

6. The Arbitrator is directed proceed ahead in accordance with law.

7. This Court has not made any observations on the issue as to whether the Respondent No.4 is/is not a necessary party in the Arbitration proceedings.

8. Since this Court has already appointed a substitute Arbitrator in O.M.P. (T) (COMM.) 114/2023, let O.M.P.(I) (COMM.) 117/2024 be considered as one under Section 17 of the Arbitration and Conciliation Act and it is for the learned Arbitrator to decided as to whether interim order is to be passed in the arbitration proceedings or not.

9. The Petitions are disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

MARCH 04, 2025

Rahul