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

+ **O.M.P. (T) (COMM.) 98/2024**

AJAY KUMAR

.....Petitioner

Through: Mr. Brijballabh Tiwari, Mr. Ram
Niwas Singh Tomar and Ms. Vaishali, Advocates.

versus

SAINI TRANSPORT SERVICES & ANR.

.....Respondents

Through: Mr. Manoj Bhardwaj, Advocate.js

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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24.04.2025

1. This petition is filed under Section 15 of the Arbitration and Conciliation Act, 1996 ('1996 Act') for substitution of the Sole Arbitrator on the ground that the earlier Arbitrator has recused.
2. Disputes arose between the parties in relation to a Partnership Deed dated 15.11.2019 executed between the parties to carry on business under the name and style of M/s Saini Transport Services. Petitioner invoked the Arbitration Clause on 19.01.2023 and on getting no response filed a petition under Section 11(6) of the 1996 Act, being ARB.P. No. 151/2024, which was allowed vide order dated 22.04.2024 and the Sole Arbitrator was appointed. However, vide letter dated 05.06.2024, learned Arbitrator declined to accept the appointment and the present petition was filed.
3. Learned counsel for the Respondents submits, on instructions, that Respondents have no objection to the substitute Arbitrator being appointed



with a caveat that a counsel be appointed.

4. Accordingly, with the consent of the parties, Ms. Shubhi Gupta, Advocate, (Mobile No. 8130640287), is appointed as a substitute Arbitrator to adjudicate the disputes. The arbitral proceedings will be held under the aegis of Delhi International Arbitration Centre (DIAC) and as per its rules. Fees of the learned Arbitrators shall be fixed in accordance with DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

5. Arbitrator shall make a disclosure as required under Section 12 of the 1996 Act.

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

7. Petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 24, 2025/YA