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

+ **O.M.P. (T) (COMM.) 108/2025 & I.A. 26474/2025**

TECHNOLOGY DEVELOPMENT BOARDPetitioner

Through: Ms. Akansha Sharma and Mr. Anshuj
Dhingra, Advocates

versus

INTEMO STSTEM LIMITEDRespondent

Through: Mr. Ajay Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **27.10.2025**

I.A. 26474/2025 (seeking exemption from filing originals/certified copies)

1. Allowed, subject to the petitioner filing originals and certified copies of documents within four (4) weeks.
2. Accordingly, the application is disposed of.

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3. The present petition has been filed under Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter 'Act'), seeking substitution of the Arbitrator appointed by this Court.
4. *Vide* order dated 7th February, 2025, passed in ARB.P.1299/2024, Dr. Justice Sudhir Kumar Jain, Former Judge of this Court, was appointed as an Arbitrator to adjudicate the disputes between the parties.
5. Subsequent to his appointment as a Sole Arbitrator, Dr. Justice Sudhir Kumar Jain has been appointed as the Member of the National



Consumer Disputes Redressal Commission (NCDRC) on 9th April, 2025.

6. Accordingly, he has expressed his inability to continue as an Arbitrator.

7. Attention of the Court has been drawn to Rule 16(3) of the Tribunal (Conditions of Service) Rules, 2021, in terms of which Member of the NCDRC cannot undertake any arbitration assignment while functioning as such.

8. Counsel appears on behalf of the respondent and does not object to the substitution of the Arbitrator in the aforesaid facts and circumstances.

9. In view of the above, the Sole Arbitrator appointed in the present case has to be substituted with a fresh Arbitrator.

10. Accordingly, Dr. Justice Sudhir Kumar Jain, Former Judge of this Court, is substituted by Justice (Retd.) Dinesh Gupta, Former Judge of Allahabad High Court, (Mob. No. +91-9415140220), as an Arbitrator to adjudicate the disputes between the parties. The following directions are passed in this regard:

- a) The arbitral proceedings shall be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter 'DIAC').
- b) The remuneration of the Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
- c) The Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference. In the event there is any impediment to the Arbitrator's appointment on that count, the parties are given liberty to file an appropriate application before this Court.



d) The parties shall approach the Arbitrator within two (2) weeks from today.

11. It is made clear that all the rights and contentions of the parties, including the arbitrability of any of the claims, and/or counter claims, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the Arbitrator.

12. The petition stands disposed of in the aforesaid terms.

13. Needless to state, nothing in this order shall be construed as an expression of this Court on the merits of the case.

AMIT BANSAL, J

OCTOBER 27, 2025

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