

(2021) 05 DEL CK 0119

In the Delhi High Court

Case No : Original Miscellaneous Petition (T) (COMM.) No. 22 Of 2021,
Miscellaneous Application No. 2918 Of 2021

IACM Smart Learn Ltd

APPELLANT

Vs

Dr. Kanwal Singh Solanki

RESPONDENT

Date of Decision : 20-05-2021

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 14(1)

Citation : (2021) 05 DEL CK 0119

Hon'ble Judges : C. Hari Shankar, J

Bench : Single Bench

Advocate : Vichitra Kumar, Inder Chand

Final Decision : Disposed Of

Judgement

C. Hari Shankar, J

1. There is no appearance on behalf of the petitioner.
2. I have heard Mr. Vichitra Kumar, learned Counsel for the respondent.
3. As is noted in the order dated 25th February, 2021, the appointment of Mr. Ram Bhagat Singh, presently functioning as Sole Arbitrator arbitrating on the disputes between the parties was in the teeth of Clause 10 of the lease deed dated 9th August, 2019, between the parties, which required the arbitrator to be appointed by both parties. Unilateral appointment of the arbitrator was, therefore, clearly impermissible. Accordingly, Mr. Ram Bhagat Singh is rendered de jure incapable of continuing to function as the Arbitrator within the meaning of Section 14(1) of the Arbitration & Conciliation Act, 1996.
4. Mr. Kumar, cognizant of this position, does not oppose the prayer for an

alternate arbitrator being appointed by the Court.

5. As such, without expressing any opinion on any of the contentions in the petition or as advanced by this Court and recorded in the order dated 25th

February, 2021, the present petition is disposed of by referring the parties to the Delhi International Arbitration Centre (DIAC), who would appoint a

suitable substitute Arbitrator to arbitrate on the disputes between the parties. The arbitration shall be conducted under the aegis of the DIAC and shall

abide by the rules and regulations of the DIAC. The fees would also be determined by the DIAC in accordance with the schedule of fees maintained

by it.

6. With the aforesaid observations, this petition alongwith pending application stands disposed of.