

# Jmc Projects (India) Ltd vs Indure Private Limited on 24 July, 2020

**Author: C. Hari Shankar**

**Bench: C. Hari Shankar**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ O.M.P.(T) (COMM.) 33/2020 & I.As. 6023-6025/2020  
JMC PROJECTS (INDIA) LTD. .... Petitioner  
Through: Mr. Dayan Krishnan, Sr. Adv.  
with Mr. Shamik Sanjanwala,  
Mr. Sunil Mittal, Mr. Manu  
Sahni and Ms. Anu Tiwari,  
Advs.

versus

INDURE PRIVATE LIMITED .... Respondent  
Through: None

CORAM:  
HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

% 24.07.2020  
(video-conferencing)

O.M.P. (T) (COMM.) 33/2020

1. This is a petition under Section 14 of the Arbitration & Conciliation Act, 1996, for the termination of the mandate of the learned Sole Arbitrator, who had been appointed by Mr. N.P. Gupta, Chairman of M/s Desein Pvt. Ltd., on 26th July, 2016, in accordance with clause 14 of the General Conditions of the Contract between the parties.

2. The petitioner relies on the judgments of the Supreme Court in Perkins Eastman Architects BPC & Anr. V. HSCC (India) Limited, 2019 SCC-OnLine SC 1517 and of this Court in Proddatur Cable TV DG Services v Siti Cable Network Limited, (2020) SCC-OnLine (Del.) 350, to contend that the learned Sole Arbitrator has become de jure unable to perform his functions, as a result of which his mandate would stand terminated. Reliance has also been placed on Bharat Broadband Network Ltd. Vs. United Telecoms Ltd., (2019) 5 SCC 755, to contend that this position would also cover ongoing

arbitrations.

3. Prima facie, the petitioner has a case. However, there is no appearance on behalf of the respondent.

4. Issue notice to the respondent, returnable on 4th August, 2020. Notice may be served, apart from the normal course, by way of email to the Email ID of the respondent, which Mr. Dayan Krishnan, learned Senior Counsel for the petitioner undertakes to provide to the Court Master, during the course of the day. On the said Email ID being provided, the Court Master would transmit the ID to the Registry, so that service could be effected, of this petition at the said Email ID. Notice would be accompanied by a copy of the order passed today.

5. Learned Counsel for the petitioner is also permitted to effect service of the present petition, alongwith the order passed today, by Email at the aforesaid Email ID of the respondent.

6. Affidavit/proof of service be placed on record prior to the next date of hearing.

7. Renotify on 4th August, 2020.

C. HARI SHANKAR, J.

JULY 24, 2020/kr