



2026:DHC:980



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

Date of Decision: 04.02.2026

+ ARB.P. 1486/2024

GAURAV KUKREJA

.....Petitioner

Through: Mr. Kirti Uppal, Senior
Advocate along with Ms.
Aarohi Malik, Mr. Arjun Malik,
Mr. Kharanshu Rana, Ms.
Akshara Popli and Ms.
Archisha Satyarthi, Advocates.

versus

M/S EARTHZ URBAN SPACES PRIVATE LIMITED &
ORS.Respondents

Through: Mr. Avishkar Singhvi, Mr.
Naved Ahmed, Mr. Akash Raja
Sahib and Ms. Tanushka
Agrawal, Advocates.

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+ O.M.P. (T) (COMM.) 41/2025

GAURAV KUKREJA

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Through: Mr. Kirti Uppal, Senior
Advocate along with Ms.
Aarohi Malik, Mr. Kharanshu
Rana, Mr. Arjun Malik, Ms.
Akshara Popli and Ms.
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CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

JUDGEMENT (ORAL)

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O.M.P. (T) (COMM.) 41/2025

1. The present petition, filed under Section 15(2) read with Section 14(1) of the Arbitration and Conciliation Act, 1996 [**“the Act”**], seeks substitution of the learned Arbitrator, Ms. Priya Kumar, Senior Advocate, appointed by the Order dated 18.12.2024 passed by learned Co-ordinate bench of this Court in **ARB.P. 1486/2024**.
2. The said substitution is being sought in view of the fact that the said Arbitrator has recused herself from the matter.
3. After arguing for some time, learned counsel for the Respondent, on instructions, submits that he has no objection to the substitution of the said Arbitrator by any person chosen by this Court.
4. Hence, with the consent of learned counsel for the parties and in order to ensure expeditious resolution of disputes, this Court deems it appropriate to substitute the arbitrator and appoint **Hon’ble Mr. Justice Najmi Waziri (Retd.) (e-mail : [REDACTED])**.
5. The arbitration would take place under the *aegis* of the DIAC and would abide by its rules and regulations.
6. The learned sole Arbitrator may proceed with the arbitration proceedings, subject to furnishing to the parties the requisite disclosures as required under Section 12(2) of the Act within a week of entering of reference.



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7. The learned sole Arbitrator shall be entitled to fees in accordance with the Fourth Schedule of the Act or as may otherwise be agreed to between the parties and the learned sole Arbitrator.
8. The parties shall share the learned sole Arbitrator's fee and arbitral costs equally.
9. All rights and contentions of the parties are kept open, to be decided by the learned sole Arbitrator on their merits, in accordance with law.
10. Needless to state, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the controversy. All rights and contentions of the parties in this regard are reserved.
11. The Registry is directed to send a receipt of this order to the learned Arbitrator through all permissible modes, including through e-mail.
12. Accordingly, the petition, being *O.M.P.(T)(COMM.) 41/2025*, along with pending application(s), if any, stands disposed of in the aforesaid terms.

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13. The present petition stood disposed of in terms of the Order dated 18.12.2024.
14. Subsequently, I.A. No. 6410/2025, filed by the Respondents seeking modification of the said Order dated 18.12.2024, also came to be dismissed as withdrawn *vide* Order dated 21.03.2025.
15. Consequently, after passing of the aforesaid orders, no substantive issue remained pending for adjudication between the parties in the present petition.
16. Thereafter, the arbitrator appointed pursuant to the Order dated



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18.12.2024 recused herself from the proceedings and communicated her withdrawal to the Registry of this Court. In view of the said communication, the matter was placed before the Court on 29.05.2025, pursuant to an office note

17. The said office note has remained pending consideration since then.

18. In the meantime, ***O.M.P. (T) (COMM.) 41/2025*** came to be filed seeking substitution of the earlier appointed arbitrator on account of her recusal.

19. Since the issue relating to substitution of the arbitrator has already been considered and decided in the preceding paragraphs while disposing of O.M.P.(T)(COMM.) 41/2025, no adjudication survives in the present petition.

20. Accordingly, in view of the foregoing, the office note stands disposed of.

21. A photocopy of the Order passed today be kept in the connected matter.

HARISH VAIDYANATHAN SHANKAR, J.
FEBRUARY 04, 2026/tk/kr