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

+ ARB.P. 246/2019

CHHABRA 555 FASHIONS PVT. LTD. Petitioner
Through Ms. Akansha Meena, Adv.

versus

KHANDELWAL FASHIONS (A PARTNERSHIP FIRM
THROUGH ITS PARTNER MS CHITRALEKHA KHANDELWAL)
..... Respondent
Through Mr. Saumya Tandon, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **12.02.2020**

1. The present petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 seeks appointment of an Arbitrator for adjudication of the disputes which have arisen between the parties in relation to the dealership agreement dated 12.01.2010.
2. Learned counsel for the petitioner submits that upon the disputes having arisen between the parties, the petitioner invoked arbitration in terms of Clause (IX) of the agreement but the respondent has failed to agree for arbitration. She, therefore, prays that this Court appoint an independent Arbitrator.
3. Upon notice being issued, though a reply was filed by the respondent opposing the petition, however, today learned counsel for the respondent

fairly submits that in the light of the arbitration clause in the agreement, she does not oppose the petition but prays that all the objections including the objection of limitation be kept open for adjudication by the Arbitrator. She further prays that the learned Arbitrator be directed to treat the issue of limitation as a preliminary issue. Learned counsel for the petitioner has no objection for treating the issue of limitation as a preliminary issue.

4. In view of the aforesaid stand taken by the parties and the admitted position that the parties are governed by Clause (IX) of the agreement providing for arbitration, Ms.Saahila Lamba, Advocate (Mob:9818153010) is appointed as the Sole Arbitrator to adjudicate the disputes and differences which have arisen between the parties in relation to the dealership agreement dated 12.01.2010.

5. In view of the preliminary objection raised by the respondent regarding limitation, the Arbitrator is requested to treat the issue of limitation as a preliminary issue.

6. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre (DIAC). The fees of the learned arbitrator shall be in accordance with the Schedule of fees prescribed under the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules.

7. Before commencing arbitration proceedings, the Arbitrator will ensure compliance of Section 12 of the Arbitration and Conciliation Act, 1996.

8. The petition is accordingly disposed of.

9. A copy of this order be sent to Delhi International Arbitration Centre (DIAC) as also to the learned Arbitrator.

FEBRUARY 12, 2020

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REKHA PALLI, J