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

+ ARB.P. 793/2019

RAJSHREE ENTERPRISES (THROUGH: MR RAJESH
AGRAWAL, PROPRIETOR) Petitioner

Through: Mr. Arvind Sharma and Mr. M.K.
Roy, Advs.

versus

SMS INDIA PVT. LTD Respondent

Through: Mr. Deepak Biswas and Mr. Saurya
Dua, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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16.01.2020

1. This petition has been filed by the petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator. During the course of hearing, an issue has arisen, as to which document governs the parties for arbitration.
2. Learned counsel appearing for the petitioner has relied upon one document called purchase / service order at page 3 onwards; whereas respondent has relied upon a service order dated January 24, 2015. According to the learned counsel for the respondent, there are several documents of such nature.
3. In fact, the learned counsel for the respondent states as there exist an arbitration agreement in a document governing the parties, the parties need to be relegated to the process of arbitration.
4. It appears that the dispute primarily is whether the petitioner is entitled to recovery of money and if yes, what amount.

5. Accordingly, I deem it appropriate to refer the parties to the arbitration. I appoint Justice Indermeet Kaur Kochhar, a retired Judge of this court as a Sole Arbitrator who shall adjudicate the disputes and differences between the parties. The appointment of Justice Kochhar shall be regulated by the Rules of the Delhi International Arbitration Centre. The parties are within their rights to take all pleas available to them both on facts and in law before the learned Arbitrator. Parties to appear before the learned Arbitrator by taking a prior appointment on her mobile number being 9910384614.

Let a copy of this order be sent to Justice Indermeet Kaur Kochhar for information.

Petition stands disposed of.

Dasti.

V. KAMESWAR RAO, J

JANUARY 16, 2020/jg