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

% Judgment delivered on: 19th April, 2022

+ ARB.P. 293/2022

MAHESH CHAND KHANDELWAL & ANR. Petitioners

versus

DELHI HARDWARE STORES & ANR. Respondents

Advocates who appeared in this case:

For the Appellant: Mr. Pawanjit Singh Bindra, Senior Advocate with Mr. Lakshay Dhamija, Advocate

For the Respondents: Respondent no. 2 in person.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Petitioners seek appointment of the Arbitrator and reference of disputes to the Arbitral Tribunal pursuant to the partnership deed dated 17.01.2019.

2. The two Petitioners and respondent no. 2 are partners of respondent no. 1 concern.

3. Learned Senior Counsel for the petitioner submits that certain disputes have arisen consequent to which the disputes need to be referred to the Arbitral Tribunal.

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4. Mr. Brajendra Khandelwal – respondent no. 2 who is connected over video conferencing, submits that the fault lies with the petitioners as they are the one who have not paid any income tax or government dues for the last several years. He submits that he would also have certain counter-claims against the petitioner for their defaults.

5. Without prejudice to the above, learned Senior Counsel for the petitioner as well as respondent no. 2 pray that the parties be referred to Delhi International Arbitration Centre.

6. Accordingly with the consent of the parties, the disputes, *inter-alia*, claims and counter-claims are referred to the Delhi International Arbitration Centre (DIAC), which would appoint an arbitrator to arbitrate the disputes. The arbitration shall take place under the aegis of the DIAC in accordance with its rules and regulations.

7. The arbitrator would be entitled to charge fees in accordance with the schedule of fee stipulated by the DIAC.

8. The arbitrator shall furnish the requisite disclosure under section 12 of the Arbitration and Conciliation Act, 1996 within one week of entering reference.

9. Petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

APRIL 19, 2022/‘rs’