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

% Judgment delivered on: 21st April, 2022

+ **ARB.P. 310/2022**

KAMAL ENTERPRISE Petitioner

versus

HERO MOTOCORP LTD. Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Amit Bhagat and Ms. Arzoo Raj, Advocates.

For the Respondent: Mr. Dhruv Nagpal, Mr Rahul Malhotra and Mr. Surajit Chatterjee, Advocates.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Petitioner seeks appointment of an Arbitral Tribunal in terms of clause 23.16 contained in the Dealership Agreement dated 25.02.2018.

2. Learned counsel for the respondent submits that without prejudice, respondent has no objection to reference to arbitration.

3. Learned counsel appearing for the parties submit that though

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the dispute stipulates that reference shall be to a panel of three arbitrators, however, they pray that a sole Arbitral Tribunal be constituted to adjudicate the disputes between the parties.

4. Accordingly, with the consent of parties Mr. Justice Jayant Nath (Retd), former judge of this court (+91 8527959494) is appointed as the sole Arbitral Tribunal to adjudicate the dispute between the parties. The Arbitral tribunal shall entertain the claims and counter claims, if any, between the parties.

2. The fees of the learned Arbitrator shall be as per the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

3. Arbitrator shall furnish the requisite disclosure under section 12 of the Arbitration and Conciliation Act, 1996 within two weeks of entering reference.

4. Petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

APRIL 21, 2022
SO