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

% Judgment delivered on: 01st April, 2022

+ ARB.P. 405/2022&I.A. 5047/2022

B4S SOLUTIONS PVT LTD. Petitioner

versus

ATC TELECOM INFRA STRUCTURE PVT. LTD..... Respondent

Advocates who appeared in this case:

For the Appellant: Mr. Vivek Sharma and Mr. Faeek ul Farooq,
Advocates

For the Respondent: Ms. Shweta Bharti and Mr. Avinash Singh,
Advocates

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

I.A. 5046/2022 (Exemption)

Allowed, subject to all just exceptions.

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1. Petitioner seeks appointment of an Arbitrator under Section 11(6) of the Arbitration & Conciliation Act, 1996 pursuant to an agreement for service dated 18.02.2019.

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2. Issue notice. Notice is accepted by learned counsel appearing for the respondent.
3. Learned counsel for the respondent without prejudice to the objection with regard to the invocation submits that she has no objection to appointment of an Arbitral Tribunal.
4. Learned counsel for the parties inform that attempts were made for amicable resolution of the disputes, however, same could not be resolved.
5. Clause 11 of the subject agreement records as under:

11. DISPUTE RESOLUTION:

(a) In the event any disputes, difference or controversies should arise between the parties hereto, out of or in connection with the provisions of this Agreement, or any action taken hereunder, the parties hereto shall thoroughly explore all possibilities for an amicably settlement. In case amicably settlement cannot be reached, such disputes, differences or controversies shall be referred to arbitration by Sole Arbitrator in accordance with the provisions of the Arbitration and Conciliation Act 1996, including any amendment or re-enactment thereof.

(b) The proceedings of such arbitration shall be conducted in English language and the venue of such arbitration shall be at New Delhi.

(c) The award of such arbitration shall be final and binding upon the parties hereto.



6. With the consent of the parties, Mr. Justice V.K. Jain, (retd.) (former Judge of this Court) is appointed as the Arbitral Tribunal to arbitrate the disputes between the parties.

7. The Arbitral Tribunal shall adjudicate the claims and counter claims, if any, of the parties. The Arbitral Tribunal shall fix its own fee.

8. The arbitrator shall furnish the requisite disclosure under section 12(2) of the Arbitration and Conciliation Act, 1996 within two weeks of entering reference.

9. Petition is allowed in the above terms.

SANJEEV SACHDEVA, J

APRIL 1, 2022
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