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

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Judgment delivered on: 29.03.2022

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ARB.P. 1234/2021

RIDDHI SIDDHI FOODS & ORS.

..... Petitioner

versus

MAHARAJ NEGI

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Rajbir Singh Bal, Mr. Sushant Prakash, Mr. Sahej Singh Uban, Mr. Rishabh Shukla and Ms. Kriti Jain, Advocates.

For the Respondent: None

CORAM:-**HON'BLE MR. JUSTICE SANJEEV SACHDEVA****JUDGMENT****SANJEEV SACHDEVA, J. (ORAL)**

1. None appears for respondent. Respondent had appeared in person on 03.02.2022 and sought time to engage and counsel and assist the Court. However, on 14.03.2022, none appeared for the respondent. On 14.03.2022, this Court had noticed that reply had also not been filed by respondent. Even today none appears for the respondent despite pass over and even reply has not been filed.

2. In the above circumstances, Respondent is proceeded ex-party and petition is taken up for consideration ex-party.



3. Petitioners have invoked arbitration in terms of partnership agreement dated 13.10.2016, entered into between petitioners, respondent and Mr. B. Rajagopalan, who has retired from the partnership and a Deed of Retirement dated 31.12.2019 has been executed by all the partners i.e., petitioner, Mr. B. Rajagopalan and the respondents.

4. Partnership deed 13.10.2016 contains an arbitration clause in terms of clause 17, which reads as under:-

“17. That all the disputes or differences out of it and connected with the Partnership shall be referred to the arbitration in accordance with the Indian Arbitration Act and the award of the arbitrator shall be conclusive and binding on all the partners.”

5. Petitioners have invoked arbitration by their letter dated 20.08.2021 and recommended the appointment of an Arbitrator, however, respondent has failed to accede to the request. Consequently, petitioner has filed the subject petition under section 11 of the Arbitration and Conciliation Act, 1996.

6. As noticed above, none appears for the respondents and no objections have been filed to the application. Accordingly, petition is allowed.

7. The disputes 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.

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

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

10. Petition is allowed in the above terms.

MARCH 29, 2022
NA

SANJEEV SACHDEVA, J

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