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

% *Date of Decision: 13th July, 2023*

+ **ARB.P. 677/2023**

**GUERRILLA INFRA SOLUTIONS
PVT. LTD.**

..... Petitioner

Through: Mr. Diptiman Acharyya,
Advocate.

versus

MERAPASHU360 PRIVATE LIMITED Respondent

Through: Mr. Vaibhav Banerjee and
Mr. Abhay Chattopadhyay, Advocates.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

JUDGEMENT

JYOTI SINGH, J. (ORAL)

CAVEAT 344/2023

1. Mr. Vaibhav Banerjee, learned counsel enters appearance on behalf of the Caveator.

2. Caveat stands discharged.

I.A. 12441/2023 (exemption)

3. Allowed, subject to all just exceptions.

4. Application stands disposed of.

ARB. P. 677/2023

5. Present petition has been preferred under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the '1996 Act') seeking appointment of a sole Arbitrator for adjudication of the disputes which have arisen between the parties in respect of a

ARB.P. 677/2023

Page 1 of 3



Membership Agreement executed between the parties on 20.02.2022. The Membership Agreement contains an arbitration clause which is extracted hereunder, for ready reference:-

“Clause 27: Governing Law and Dispute Resolution:

Governed by Indian Law. Disputes shall be resolved by arbitration in accordance with the Arbitration and Conciliation Act 1996 at New Delhi only.”

6. Issue notice.
7. Mr. Vaibhav Banerjee, learned counsel accepts notice on behalf of the Respondent and fairly submits that Respondent has no objection to a sole Arbitrator being appointed by this Court. Learned counsel however prays that either a retired Additional District Judge may be appointed or the Arbitrator appointed by this Court should conduct the arbitration proceedings under the aegis of Delhi International Arbitration Centre (‘DIAC’). Learned counsel for the Petitioner has no objection to the request made by the counsel for the Respondent.
8. Accordingly with the consent of the parties, Ms. Eshna Kumar, Advocate (Mob. No. 9717313618) is appointed as the sole Arbitrator to adjudicate the disputes between the parties. The arbitration proceedings shall be conducted under the aegis of DIAC and the fees of the learned Arbitrator shall be fixed in accordance with Fourth Schedule of the 1996 Act.
9. Before entering upon reference, the learned Arbitrator shall give a disclosure under Section 12 of the 1996 Act. Needless to state that the Court has not expressed any opinion on the merits of the case and all rights and contentions of the parties with respect to their claims/counter claims are left open to be decided by the learned Arbitrator in accordance with law.



10. Copy of this order shall be forwarded the learned Arbitrator and DIAC for information.

11. With the aforesaid directions, the petition is allowed and disposed of.

JULY 13, 2023/ck

JYOTI SINGH, J



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