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

+ **ARB.P. 11/2023 & I.A. 205/2023, I.A. 206/2023**

SWIFT SECURITAS PRIVATE LIMITED

.....Petitioner

Through: Mr. Abhishek Gupta, Advocate

versus

DWARKA DAS GOYAL

.....Respondent

Through: Mr. R P Agrawal, Ms. Reema Mishra,
Advocates for Respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

03.12.2024

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1. This petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner for appointment of an Arbitrator for adjudication of disputes which has arisen between the parties under the Security Service Agreement dated 01.01.2013.
2. The Security Service Agreement dated 01.01.2013 was entered into between the parties at Chandigarh. The said Agreement was entered into between the Petitioner (which is a company incorporated under the Companies Act) and the Respondent which though reflected as a company incorporated under the Companies Act in the Agreement but is in fact a sole proprietorship firm.
3. The amended memo of parties has been filed. The amended memo of parties reflects that the Respondent/Dwarka Das Goyal is a proprietorship of Nanu Ram Goyal & Company having its Office at LGF-10, Star Mall, NH-



8, Gurgaon. The Services have been provided at Panchkula.

4. Clause 12 of the Security Service Agreement dated 01.01.2013 contains an Arbitration Clause which reads as under:-

“In case of Dispute or difference arising between the parties under this agreement the decision of sole arbitrator which is to be appointed by both the parties will be final and binding”

5. The office of the Respondent is not at Delhi. The Security Service Agreement dated 01.01.2013 has been entered into between the parties at Chandigarh and the services has also been provided outside Delhi. Thus, no cause of action arises within the territorial jurisdiction of this Court.

6. Learned Counsel for the Petitioner seeks permission to withdraw this petition and approach the Court of competent jurisdiction by filing the arbitration petition.

7. It is needless to state that Petitioner would be entitled to the benefit under Section 14 of the Limitation Act and the time for filing the present petition, till the date of disposal, will be excluded while computing limitation for approaching the competent Court for filing the arbitration petition.

8. The petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 03, 2024

RJ