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

+ **ARB.P. 41/2024**

DELHIVERY LIMITED

..... Petitioner

Through: Mr. Sukrit Kapoor, Mr. Aviral
Tripathi, Advs.

versus

FOURWAY LOGISTICS

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

22.04.2024

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1. By way of the present petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of an Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Letter of Intent/Agreement dated 23.01.2020. As per the agreement, the petitioner was to provide dedicated goods carriage vehicles to the respondent for moving the consignment between the designated points as per the mutually agreed schedule.
3. It is submitted that the said Agreement contains an arbitration clause, which provides that all disputes, with respect to the said agreement, shall be referred to arbitration as per provisions of the A&C Act, and



further provides that the place of arbitration would be at Delhi.

4. Learned counsel submits that the petitioner had tried to amicably settle the matter.
5. Disputes having arisen between the parties, the petitioner invoked arbitration vide legal notice dated 14.12.2022. It has been submitted that even thereafter efforts were made for an amicable settlement between the parties.
6. Respondents were duly served and lawyers had also put an appearance on 18.03.2024. However, thereafter none has appeared for the respondent.
7. The claim amount is around Rupees Nine Lakhs Seventy-Three Thousand only.
8. Considering the above submissions and that the agreement contains an arbitration clause, the present petition is disposed of with the following directions:
 - i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
 - ii) As agreed by both the counsels for the parties, DIAC shall nominate an Arbitrator to adjudicate the disputes between the parties.
 - iii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of fee rules of the DIAC Schedule or as the parties may agree.
 - iv) The learned Arbitrator is requested to furnish a declaration in



- terms of Section 12 of the Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
 - vi) The parties shall approach the learned arbitrator within two weeks from today.
9. The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

APRIL 22, 2024/AR..