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

+ **ARB.P. 103/2024**

TATA CAPITAL LIMITED

..... Petitioner

Through: Mr. Nachiketa Suri and Mr. Raj
Kumar, Advs.

versus

PRIME INTERGLOBE PRIVATE LIMITED & ORS..... Respondent

Through: Mr. Tushar Mudgil, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

14.05.2024

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1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the parties arising out of Agreement dated 30.03.2019.
2. Since there were disputes, the petitioner invoked arbitration vide Legal Notice dated 08.12.2023.
3. Mr. Mudgil, learned counsel appears for the respondent. Despite multiple opportunities, no reply has been filed by the respondent.
4. Mr. Mudgil, learned counsel for the respondent states that the Court may appoint an Arbitrator leaving all legal issues as well as factual defences of the respondent open for adjudication.
5. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-
 - i) Ms. Chand Chopra, Adv. (Mob. : 9915907494) is appointed



as a Sole Arbitrator to adjudicate the disputes between the parties.

ii) 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 the Fourth Schedule of the Arbitration & Conciliation Act, 1996.

iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.

iv) 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.

v) The parties shall approach the learned Arbitrator within two weeks from today.

6. The petition is allowed and disposed of in the aforesaid terms.

JASMEET SINGH, J

MAY 14, 2024/NG

Click here to check corrigendum, if any