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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 147/2023**
M/S. RADHU DEVELOPERS PVT. LTD. THROUGH ITS
DIRECTOR SH. SUNIL GUPTAPetitioner
Through: Mr. Kunal Mehta, Advocate

versus

MR. RAVINDER GUPTARespondent
Through: Mr. Sharvan Dev & Mr. Shubham
Garg, Advocates.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **25.10.2024**

1. The present petition has been filed under Section 11(6)(B) of the Arbitration and Conciliation Act, 1996 by the Petitioner seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties under the Consultancy Agreement dated 16.09.2019 entered into between the parties.
2. Notice was issued in the petition on 08.02.2023. Service is complete.
3. Mr. Sharvan Dev, learned Counsel, is appearing on behalf of the Respondent. He states that no service has been provided by the Petitioner.
4. The only objection raised by the learned Counsel for the Respondent is that no service has been provided by the Petitioner. This Court is of the opinion that the said issue shall be decided by the Arbitrator.
5. Material on record indicates that a notice invoking arbitration under Section 21 of the Arbitration and Conciliation Act, 1996 was sent by the Petitioner to the Respondent on 29.12.2021. It is stated that since there was



no reply from the Respondent, the Petitioner has approached this Court by filing the present petition seeking appointment of an Arbitrator.

6. In view of the fact that disputes have arisen between the parties, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.

7. Accordingly, Ms. Ila Sheel, Advocate (Mob. No. 9899638795) is appointed as an Arbitrator to adjudicate upon the disputes between the Parties.

8. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

9. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on reference.

10. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

11. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

12. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

OCTOBER 25, 2024

S. Zakir