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

+ **ARB.P. 174/2024, I.A. 2951/2024**

AIRTEC ELECTROVISION PVT LTD

..... Petitioner

Through: **Mr. Rajiv Bajaj, Ms. Shruti Khosla,
Mr. Vidur Marwah, Advs.**

versus

AMAZON. COM INC & ORS.

..... Respondents

Through: **Mr. Yatinder Garg, Mr. Manas
Raghuvanshi, Mr. Sanidhya
Maheshwari, Advs.**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

05.04.2024

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1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks appointment of Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. The case of the petitioner is that the petitioner has been selling its E-LED TVs on Amazon.in and has done business worth more than Rs.119 Crores in the last 3 years. It has been submitted that the goods worth over Rs.2.60 have neither been sold nor are traceable in the portal of Amazon for removal to the petitioner's warehouse due to which the petitioner Company is suffering huge losses.
3. The case of the petitioner is that an Agreement dated 01.08.2019 was executed which is in power and possession of the respondent and they have not handed over the copy of the agreement despite repeated



requests.

4. Learned counsel for the respondent has not disputed the execution of the agreement, however, submits that the matter may be referred to the arbitration keeping all the objections and contentions of the respondent open. The jurisdiction of this Court has also not been disputed by the respondent.
5. The petitioner has also moved an application being I.A. 2951/2024 under Section 8 (2) of the Arbitration and Conciliation Act, 1996 for exemption from filing the original arbitration agreement and seeking directions to the respondents to produce the original arbitration agreement in the Court.
6. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 22.08.2023, issued under Section 21 of the A&C Act for a claim amount of Rs.2.60 Crores alongwith interest.
7. Considering that both the parties have consented to the reference to the arbitral tribunal, 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, Mr. G. P. Mittal, Former Judge of Delhi High Court, Mobile No.9910384619 is appointed as an Arbitrator to adjudicate the disputes between the parties.
 - iii) Respondent is directed to produce the original arbitration agreement before the learned Arbitrator.
 - (iv) 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.

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

vi)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.

vii)The parties shall approach the learned arbitrator within two weeks from today.

6. The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

APRIL 5, 2024

Pallavi