



\$~2

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

+ **ARB.P. 230/2024**

M/S AURUM AUTOMOBILE PVT. LTD.Petitioner
Through: **Mr. Sachin Chaudhary, Adv.**

versus

HERO ELECTRIC VEHICLES PVT. LTD.Respondent
Through: **Mr. Aayushmaan Gauba, Adv.**

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
27.08.2024

%

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties arising out of LOI dated 15.12.2022.

2. The arbitration clause is Clause O of the LOI which reads as under:-

"O. Dispute Resolution & Jurisdiction

Any dispute arising out of or in relation to the breach of the working of, to the interpretation of to the constructive meaning effect in relation to, in respect of this LOI shall be attempted to be resolved in good faith by both parties. If disputes arising out of or in relation to the breach of, the working or, arising to or relating to the present LOI, interpretation or construction of the present LOI cannot be amicably resolved within 30 days, the matter will be finally resolved by reference to arbitration under a sole arbitrator, in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and any subsequent amendments thereto. The arbitrator shall be mutually appointed



by both parties. The costs of Arbitration will be equally apportioned between HEVPL and the LOI holder. The applicable law shall be the laws of India".

3. Since there were disputes between the parties, the petitioner invoked the arbitration clause *vide* Legal Notice dated 07.10.2023.
4. Mr. Gauba, learned counsel for the respondent has no objection to the petition being allowed.
5. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Ms. Rimali Batra, Adv (Mob. No. 9871205011) 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/counter-claims and 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.

vi) The petition is disposed of in the aforesaid terms.

AUGUST 27, 2024/NG

JASMEET SINGH, J