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

+ **ARB.P. 257/2024**

M/S SMAS AUTO LEASING INDIA PRIVATE LIMITED

..... Petitioner

Through: Mr. Udit Sharma, Adv. (VC).

versus

M/S KARTHIK TRAVELS PRIVATE LIMITED Respondent

Through: Mr. Shiva Krishnamurti, Mr. Rohan
Dewan, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

19.03.2024

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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. Learned counsel submits that the parties have entered into a Master Lease Agreement dated 14.11.2018 and effectuated the said lease. In addition to the lease, Petitioner also undertook to provide certain fleet management services under the said Agreement. The consideration for the lease and services were to be discharged on a monthly basis.
3. Learned counsel submitted that however, 06.12.2022 onwards, the Respondent has failed to discharge the monthly consideration under the Agreement. The Petitioner's attempts to settle the disputes arising



under the Agreement via conciliation have also failed.

4. Notice invoking arbitration has duly been served vide legal notice dated 13.12.2023.
5. Learned counsel for the respondent submits that there is no dispute as to the agreement and to the arbitration clause. Learned counsel for the respondent submits that the substantial amounts have already been paid. Learned counsel for the respondent submits that keeping all the contentions open and without prejudice to the pleas taken, the matter may be referred to the arbitration.
6. 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, Sh. Anil Kaushik, Senior Advocate (Mobile No. 9810414419) is appointed as 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.

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

DINESH KUMAR SHARMA, J

MARCH 19, 2024/AR..