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

+ **ARB.P. 372/2024**

HOTEL SUBA STAR PRIVATE LIMITED Petitioner

Through: Mr. Manish Kumar Srivastava,
Advocate, Mr. Moksh Arora,
Advocate.

versus

M/S INDO THAI DEVELOPERS PVT. LTD. Respondent

Through: Ms. Suchitra Kumbhat, Mr. Vivek
Jain, Mr. Sadiq Noor, Mr. Rajat
Jain, Mr. Mehul Prasad, Ms.
Priyanka Sarda, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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13.05.2024

1. The petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], for appointment of an arbitrator to adjudicate disputes between the parties under a Franchise Agreement dated 08.10.2014 [“the Agreement”].
2. The Agreement contains an arbitration Clause [Clause 19], which provides for resolution of disputes by a sole arbitrator. New Delhi is designated as the place of arbitration. Courts in Delhi have also been bested with jurisdiction under Clause 19.6 of the Agreement.
3. Disputes having arisen between the parties, the petitioner invoked arbitration by a notice dated 10.10.2023, to which there was no reply.
4. Pursuant to notice issued in this petition on 18.03.2024, Ms.

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Suchitra Kumbhat, learned counsel, enters appearance on behalf of the respondent, and submits that the disputes be referred to arbitration, leaving all rights and contentions of the parties open for adjudication by the learned arbitrator.

5. With the consent of learned counsel for the parties, the petition is disposed of, in the following terms:

- a. The disputes between the petitioner and the respondent are referred to arbitration under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi-110503 [“DIAC”]. DIAC is requested to nominate an arbitrator from its panel. The proceedings will be governed by the Rules of DIAC, including as to the remuneration of the learned Arbitrator.
- b. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

6. It is made clear that all rights and contentions of the parties, including on the point of maintainability are left open for adjudication by the learned Arbitrator.

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

PRATEEK JALAN, J

MAY 13, 2024
SS/