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

+ **ARB.P. 380/2024**

MUKUND GUPTA

..... Petitioner

Through: Mr. Yogesh Sharma, Adv. *via* video-conferencing.

versus

SOURABH CHHABRA

..... Respondent

Through: Mr. Deepak Pawar, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

03.05.2024

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I.A. 6234/2024

By way of the present application filed under section 151 of the Code of Civil Procedure 1908, the applicant/petitioner seeks condonation of 04 days delay' in *re-filing* the petition.

2. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
3. The petition is taken on Board.
4. Application stands disposed-of.

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5. By way of the present petition under section 11 of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks appointment of of a Sole Arbitrator to adjudicate upon the disputes that are stated to have arisen with the respondent from Partnership Deed dated 30.09.2023.



6. Notice on this petition was issued on 18.03.2024.
7. Learned counsel has entered appearance on behalf of the respondent; and seeks time to file reply.
8. However, it is noticed that the quantum of disputes involved in the matter is only about Rs. 6.5 lacs. In the circumstances, no written reply is called-for.
9. Upon being queried, learned counsel appearing for the respondent also fairly submits that a Sole Arbitrator may be appointed in the matter.
10. For completeness, Mr. Yogesh Sharma, learned counsel for the petitioner has drawn the attention of this court to clause 9 of the Partnership Deed which comprises the arbitration agreement; and contemplates reference of disputes between the parties to arbitration in accordance with the A&C Act-
11. Though there is no specific provision relating to territorial jurisdiction of courts in respect of the disputes between the parties, it is observed that the Partnership Deed that forms the basis of the transaction between the parties was signed at New Delhi; and that the petitioner as well as the respondent are residents of New Delhi; and therefore, in accordance with section 20 of the Code of Civil Procedure 1908, it can safely be said that at least a part of the cause of action for the matter has arisen in Delhi.
12. As per the record, the petitioner invoked arbitration *vide* Notice dated 12.12.2023; to which the respondent has not sent any reply.
13. Upon a conspectus of the averments contained in the petition, the stand taken by the respondent, and the submissions made, this court is



satisfied that there is a valid and subsisting arbitration agreement between the parties; that this court has territorial jurisdiction to entertain and decide the present petition; and also that the disputes that are stated to have arisen between the parties, as set-out *inter-alia* in invocation notice dated 12.12.2023, do not appear *ex-facie* to be non-arbitrable.

14. Accordingly, the present petition is allowed and **Ms. Harshita Nathrani, Advocate (Cellphone No.: +91 9799150333)** is appointed as the learned Sole Arbitrator to adjudicate upon the disputes between the parties
15. The learned Sole Arbitrator would furnish to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
16. The learned Arbitrator shall be entitled to fee in accordance with Fourth Schedule to the A&C Act; or as may otherwise be agreed to between the parties and the learned Arbitrator.
17. Parties shall share the arbitrator's fee and arbitral costs, equally.
18. 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.
19. Parties are directed to approach the learned Arbitrator appointed within 02 weeks.
20. A copy of this order be communicated by the Registry *via* e-mail to the learned Sole Arbitrator, as also to learned counsel for the parties.
21. The petition stands disposed-of in the above terms.



22. Other pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 3, 2024

V.Rawat