



\$~6

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

+ **ARB.P. 428/2023**

**AVERY FREE WHEEL PRIVATE LIMITED** ..... Petitioner

Through: **Mr. Naman Lohiya, Adv.**

versus

**LIFESTYLE BUILDCON PRIVATE LIMITED** ..... Respondent

Through: **Ms. Akanksha Kaul, Mr. Harsh Sethi,  
Mr. Anant Nigam, Mr. Raghav  
Luthra, Adv.**

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**10.01.2024**

%

1. This is a petition seeking appointment of a Sole Arbitrator in terms of Clause 33 of the Collaboration Agreement. Clause 33 reads as under:

*“33. That in the event of any question or dispute arising under in connection with incidental to and/or interpretation or scope of this Agreement or relating hereto, the same shall be referred to any Arbitrator mutually acceptable to both the parties and the decision of the Arbitrator shall be final and conclusive. The provisions of the Arbitration and Conciliation Act, 1996 and the Statutory modifications, amendments and/or re- enactment thereof from time to time shall apply to such arbitration. The parties shall bear and pay its own costs, charges and expenses of the proceedings for the Arbitrator. The place of Arbitration*



*shall be at New Delhi.”*

2. The petitioner issued notice of Arbitration to the respondent on 08.02.2023.
3. The parties were sent to mediation but it seems that the mediation has not yielded desired results.
4. Despite opportunity, no reply has been replied by the respondent.
5. Since there are disputes between the parties, I am inclined to allow the petition.

- ix) Justice G.S. Sistani (Retd.) (Mob. No. 9871300034) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- x) 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.
- xi) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- xii) 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.
- xiii) The respondent will be entitled to raise and adjudicate all its



counter-claims as well.

xiv) The parties shall approach the learned Arbitrator within two weeks from today.

6. The petition is allowed and disposed of in the aforesaid terms.

7. The order passed today will not come in the way of the parties exploring settlement.

**JASMEET SINGH, J**

**JANUARY 10, 2024/DM**

*Click here to check corrigendum, if any*