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

+ **ARB.P. 426/2024**

HUGHES SYSTIQUE PRIVATE LTD Petitioner

Through: Mr. Siddhant Asthana, Mr. L.M. Asthana & Mr. Chhetarpal Singh, Advocates.

versus

I2TB RESEARCH FOUNDATION Respondent

Through: Ms. Inderjeet Sidhu, Advocate.
[M:-9810587998]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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02.04.2024

I.A. 7289/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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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 Master Service Agreement dated 15.06.2021 [“the Agreement”]. The Agreement contains a dispute resolution clause [Article 16] which provides for adjudication of disputes by a sole arbitrator.

2. Disputes having arisen between the parties, the petitioner invoked arbitration by a legal notice dated 19.02.2024 and proposed the name of



an arbitrator. The respondent replied on 16.03.2024 stating that it was agreeable to arbitration under the aegis of Delhi International Arbitration Centre [“DIAC”], but did not agree to the appointment of the arbitrator suggested by the petitioner. This is given rise to the present petition under Section 11 of the Act.

3. Ms. Inderjeet Sidhu, learned counsel, enters appearance on behalf of the respondent on advance notice, and reiterates that the respondent has no objection to a reference to arbitration under the aegis of DIAC. Mr. Siddhant Asthana, learned counsel for the petitioner, also accepts this suggestion.

4. In view of the above and with the consent of learned counsel for the parties, the disputes between the parties under the agreement dated 15.06.2021 is referred to arbitration of Ms. Swati Sukumar, Advocate [Tel: 9717918652]. The arbitration will be governed by the Rules of DIAC, including as to the remuneration of the learned Arbitrator.

5. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act, prior to entering upon the references.

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

7. The petition stands disposed of in these terms.

PRATEEK JALAN, J

APRIL 2, 2024

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