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

+ **ARB.P. 444/2024**

M S J K TYRE AND INDUSTRIES LIMITEDPetitioner

Through: Mr. Sumit Gaur, Mr. Pulkit
Srivastava, Mr. Sunil Kaushik, Mr.
Kumud, Advs.

versus

MR SUSHIL KUMAR PRUTHI PROP M/S PUSHPA WHEELS

.....Respondent

Through: Mr. Raghav Gupta, Mr. Sanjay
Kumar Bumrah, Advs.
Mr. Nitesh Rana, Mr. Soumay
Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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26.07.2024

1. This is a petition filed under section 11 of Arbitration and Conciliation Act, 1996 seeking appointment of the Sole Arbitrator to adjudicate the disputes between the parties.
2. The petitioner and the respondent entered into a Dealership Agreement dated 30.12.2019 containing arbitration clause being clause T which reads as under:

“To the best of their abilities, the parties hereto shall try to sort out any dispute/differences by mutual discussions and in the event such dispute/ differences are not resolved by such discussions, then the matter shall be referred to the sole Arbitrator to be appointed by mutual consent of both the parties and such arbitration shall be



governed by the Indian Arbitration and Conciliation Act 1996 (as amended upto date) and the award of the sole arbitrator shall be final and binding between the parties. The venue of Arbitration shall be at New Delhi.”

3. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 14.02.2024.
4. When the matter was taken up for hearing on 14.05.2024, at joint request of the parties, the matter was referred to mediation.
5. I am informed by the learned Counsel for the parties that the mediation has failed.
6. Mr. Gupta, learned counsel for the respondent has no objection to the present petition being allowed and to the appointment of the Sole Arbitrator.
7. For the said reasons, the petition is allowed with the following directions:
 - i) Mr. Rakesh Kumar Dudeja (Mob. No. 9810147798) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) 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.
 - iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
 - iv) 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/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

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

JASMEET SINGH, J

JULY 26, 2024/DM

[Click here to check corrigendum, if any](#)