



2024:DHC:4018



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 14th May, 2024**

+ **ARB.P. 453/2024**

NOVATEUR ELECTRICAL AND DIGITAL SYSTEMS PVT.
LTD.

..... Petitioner

Through: Mr. Aditya Dhar and Mr.
Ankush M. Advocates.

versus

MANI KUMAR. V PROPRIETOR OF M/S DEVI ELECTRICALS

..... Respondent

Through:

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (oral)

1. The present Petition under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996 (*hereinafter referred to as the "Act, 1996"*) has been filed on behalf of the petitioner seeking appointment of a sole Arbitrator for adjudication of the disputes having arisen between the parties.
2. It is submitted in the petition that the *petitioner is a Company* duly incorporated under the Companies Act, 1956 having its registered office at Kalpataru Square, Kondivita Road, Andheri (East), Mumbai, is engaged in the business of manufacturing and rendering services relating to Electrical products in India.
3. The *respondent, a proprietorship firm* was appointed as the Authorised Distributor Stockist of the petitioner Company for Central Region as per the terms agreed between them since the year 2010. The

Signature Not Verified

Digitally Signed By: AHIL
SHARMA

Signing Date: 18.05.2024
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petitioner and the respondent entered into Distributor Stockist Agreement dated 04.07.2022.

4. The petitioner Company duly supplied and delivered the consignments to the respondent on various dates and used to issue Invoices against such consignments.

5. Since the year 2020, the respondent started failing in making payments to the petitioner against the Invoices, details of which are given in the petition. A sum of Rs.1,73,81,193/- is due to the respondent from 31.12.2020 till 14.04.2022. In addition, adjustment of Rs.26,34,793/- was made by the petitioner with respect to respondent's account and after adjustment the total amount outstanding from the respondent is Rs.2,00,15,986/-.

6. The petitioner sent reminders to the respondent for payment of outstanding amount and despite efforts, the respondent has not paid the balance amount to the Petitioner.

7. The petitioner issued a Notice dated 12.12.2023 invoking Arbitration by referring disputes to a sole Arbitrator which was delivered to the respondent on 15.12.2023. The petitioner did not receive any response to the Notice and thus, filed the present petition for appointment of Arbitrator.

8. In view of the above, without prejudice to the rights and contentions of the parties, the present petition is allowed and Mr. Harish Dudani, learned District Judge (Retired), Mobile No.9910384728 is hereby appointed as the sole Arbitrator to adjudicate the disputes between the parties.

9. The parties are at liberty to raise their respective objections before the Arbitrator.

10. The fees of the learned Arbitrator would be fixed in accordance with



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the Fourth Schedule of the Act, 1996 or as consented by the parties.

11. This is subject to the Arbitrator making necessary disclosure as under Section 12(1) of the Act, 1996 and not being ineligible under Section 12(5) of the Act, 1996.

12. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre, Delhi High Court.

13. The parties are directed to contact the Arbitrator within one week of being communicated a copy of this Order to them by the Registry of this Court.

14. Accordingly, the present petition is disposed of in the above terms.

(NEENA BANSAL KRISHNA)
JUDGE

MAY 14, 2024

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