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

+ **ARB.P. 472/2024**

KRSKA SOLAR PVT LTD

.....Petitioner

Through: Mr. Avinash Menon and Mr. Rishabh Saxena, Advs.

versus

STROLAR MOUNTING SYSTEMS PVT LTDRespondent

Through: Mr. SC Tripathi and Mr. Touqeer Ajaz Qawar, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

09.07.2024

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1. This is a petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator to adjudicate the disputes arising out of Purchase Order No. KRSKA/SOLAR/LATER1/0580/08 dated 13.09.2023.

2. The arbitration clause is contained as Clause 14 of the Purchase Order, which reads as under:-

“14. GOVERNING LAW AND DISPUTE RESOLUTION

This Purchase Order shall be governed by the laws of New Delhi, India. Any disputes arising out of this agreement shall be resolved through amicable negotiations. If no resolution is reached, the matter shall be settled by arbitration in accordance with Arbitration and Conciliation Act, 1996.”



3. Since there were disputes between the parties, the petitioner invoked arbitration *vide* Legal Notice dated 19.12.2023 and thereafter filed the present petition.
4. When the matter came up for hearing on 08.04.2024, this court was pleased to issue notice.
5. Mr. Tripathi, learned counsel appears for respondent and has no objection to the petition being allowed.
6. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-
 - i) Ms. Sapna Chauhan (Adv.)(Mob. No. 7840020100, 9811264265) 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 on 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.

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

JASMEET SINGH, J

JULY 9, 2024/NG

Click here to check corrigendum, if any