



\$~6

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

+ **ARB.P. 479/2024**

BHIKAJI MAINTENANCE COMBINEPetitioner

Through: Mr. Mukesh Kumar, Ms. Meenakshi,
Mr. Rakesh Kharb, Advs.

versus

MS SANGAM PRINTSRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

12.07.2024

%

1. This is a petition filed under section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the parties.
2. The parties entered into a Maintenance Agreement dated 29.08.1988 in respect of respondent's property No. UG-15/9 of Som Datt Chambers-II, 9, Bhikaji Cama Place, New Delhi-110066.
3. The arbitration clause is Clause 11 of the Maintenance Agreement, which reads as under:-

"11. Both parties to this Agreement namely, the Buyer and the B.M.C. agreed and bind themselves that in the event of any dispute relating or connected with (howsoever remote) this Agreement or in respect of non-payment of bills or dues or interpretation of any clause of this Agreement, the same shall be



referred to the Promoter or its nominee for arbitration whose decision will be binding on both the parties and shall be carried out by them as the final adjudication of the said dispute.”

4. Since the respondent did not pay the maintenance charges, the petitioner invoked arbitration vide legal notice dated 23.08.2023.

5. Thereafter, the petitioner filed the present petition.

6. On 09.04.2024, notice was issued. As per the service report, the respondent is served. Despite service, there is nobody appearing on behalf of the respondent.

7. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-

v) Mr. Mritunjay K Singh, Adv. (Mob. No.9582634444) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.

vi) 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.

vii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.

viii) 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 on merits of the dispute of either of the parties, are left open



for adjudication by the learned arbitrator.

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

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

JULY 12, 2024 / NG

JASMEET SINGH, J

Click here to check corrigendum, if any