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

+ **ARB.P. 484/2024**

SYNCHRONISED SUPPLY SYSTEMS LTD. Petitioner

Through: **Ms.Suneha Jain, Adv.**

versus

UNIQUE DECOR INDIA PVT. LTD. Respondent

Through: **Mr.Aman Abbi, Adv.**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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30.04.2024

I.A. 8196/2024 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

ARB.P. 484/2024

Present petition has been filed under Section 11 of the Arbitration and Conciliation Act for appointment of an arbitrator to adjudicate the matter inter se the parties. The parties have entered into a Rent Agreement dated 01.07.2017. The agreement contains the arbitration clause with the jurisdiction at New Delhi.

It is pertinent to mention that initially suit was filed for recovery in which an application under Section 8 of the Arbitration and Conciliation Act was filed. However, the application was dismissed by the learned District Judge, Commercial Court, Saket Courts, New Delhi vide order dated



24.02.2023. This order was challenged in FAO (Comm) 69 of 2023. The Division Bench of this court vide order dated 30.05.2023 allowed the appeal and set aside the order. The order was challenged before the Supreme Court in SLP No.17802/2023 which was also dismissed vide order dated 25.08.2023. The claim amount is around Rs.29 lakhs.

Learned counsel for the respondent submits that the arbitrator may be appointed with liberty to keep all his contentions open.

Considering that both the parties have consented to the reference to the arbitral tribunal, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
- ii) Mr. P. K. Saxena, Former DHJS Officer, (Mobile No.9910384668) is appointed as an Arbitrator to adjudicate the disputes between the parties.
- iii) 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 fee rules of the DIAC schedule or as the parties may agree.
- iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- v) 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.
- vi) The parties shall approach the learned arbitrator within two weeks



from today.

The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

APRIL 30, 2024

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