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

+ ARB.P. 570/2023

M/S CITYLIFE TECHNOLOGIES PVT. LTD. Petitioner

Through: Ms. Disha Sharma and Mr.
Mukesh Goyal, Advocate.

versus

M/S NIRMAL INDUSTRIES AND
COMPANY AND ORS.

..... Respondents

Through: Mr. Devansh Shekhar, Advocate
for R-2 to 4.
Mr. C.S. Chauhan, Advocate for
Mr. Prabodh Singh, Brother of
Praveen Singh with Mr. Prabodh
Singh in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.02.2024

1. The petitioner seeks appointment of an arbitrator to adjudicate disputes between the parties under an agreement dated 14.02.2021 ["Agreement"]. The Agreement was for supply of sodium hypochlorite solution and alcohol-based hand sanitizer by respondent No. 1 to the petitioner. Respondent No. 1 was admittedly a sole proprietorship concern of one Mr. Praveen Singh. Mr. Praveen Singh died on 24.04.2021. According to the petitioner, Mr. Praveen Singh was liable to the petitioner for a sum of Rs. 55,35,600/- on account of dues under Agreement and interest thereupon. After his death, the petitioner, through



counsel, addressed a legal notice dated 18.02.2023 to respondent No. 1 as well as to respondent Nos. 2 to 4, being the wife and children of late Mr. Praveen Singh.

2. Ms. Disha Sharma, learned counsel for the petitioner, draws my attention to the arbitration agreement contained in Clause 8 of the Agreement dated 14.02.2021 and to Clause 9 thereto, which provide for exclusive jurisdiction of Courts in Delhi. She also submits that the Arbitration Clause was invoked by a letter dated 12.04.2023, addressed by learned counsel for the petitioner to the respondents.

3. Respondent Nos. 2 to 4, being the legal representatives of the deceased proprietor of respondent No. 1, entered appearance and submitted that the business of the proprietorship concern has been taken over by the brother of the deceased proprietor, namely, Mr. Prabodh Singh. They therefore submitted that he falls within the definition of 'legal representative' under Section 2(1)(g) of the Act and is required to be impleaded in these proceedings.

4. Pursuant to the order dated 09.01.2024, Mr. Prabodh Singh appears in person and states that he has no right, title or interest in the property or business of his late brother, Shri Praveen Singh, being the proprietor of respondent No.1. He states that the only heirs of late Shri Praveen Singh are his wife and children, being respondent No.2 to 4 in this petition. The statement of Mr. Prabodh Singh has been separately recorded. He has made his statement in Hindi. I have translated the same into English.

5. In view of this position, Ms. Sharma submits that an arbitrator may be appointed to resolve the disputes between the petition and respondent No.1, represented by respondent No.2 to 4, leaving it open to the said



respondents to take defences as may be available to them before the arbitrator.

6. In view of the above, the petition is disposed of by referring the disputes between the petitioner and the respondents to arbitration of Mr. Vinay Kumar Gupta, former Principal District & Sessions Judge, Delhi [Tel- 9910384701]. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi-110503 ["DIAC"], and will be governed by the Rules of DIAC, including as to the remuneration of the learned Arbitrator.

7. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

8. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned Arbitrator.

PRATEEK JALAN, J

FEBRUARY 15, 2024

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