



\$~1

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

+ **ARB.P. 622/2023**

ONWARD COWORKX PVT LTD.

.....Petitioner

Through: Mr. Siddhant Jain, Advocate.

versus

ASCENTIA BPO SERVICES PVT LTD.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

16.10.2024

%

1. The present Petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('A&C Act') has been filed by the Petitioner seeking appointment of an independent sole arbitrator to adjudicate the disputes between the parties.

2. It is stated that the Petitioner herein entered into a Co-working Space Agreement dated 05.09.2021 with the Respondent herein whereby as per the requirement of the Respondent, the Respondent was allotted 15 designated seats for its employees at a highly discounted price. It is stated that disputes have arisen between the parties regarding non-payment of money.

3. It is stated that the Petitioner herein filed an application under Section 9 of the A&C Act, being OMP (I) (COMM.) 50/2022, before the learned Additional District Judge, South East, Saket Courts and vide Order dated 25.11.2022 the said application was disposed of directing the Respondent



herein to deposit Rs.3,46,710/-. The said amount has not been deposited and the proceeding under the Contempt of Courts Act have been initiated against the Respondent herein for wilful disobedience of the Order dated 25.11.2022.

4. Notice in the present Petition was issued on 02.06.2023. The Order sheets indicate that Mr. Harsh Tikku, learned Counsel, appeared for the Respondent on 09.02.2023 and the Director of the Respondent had also joined the proceedings through video conferencing. On 30.07.2024 it was submitted by the learned Counsels for the parties that attempt can be made to amicably settle the disputes and the matter was adjourned to today. Today, there was no appearance on behalf of the Respondent in the first round. Even in the second round there is no appearance on behalf of the Respondent.

5. In view of the fact that service is complete and despite service today there is no appearance on behalf of the Respondent, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the Parties.

6. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

7. The learned arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on reference.

8. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

9. Needless to say, nothing in this order shall be construed as an



expression of this Court on the merits of the contentions of the parties.

10. The present Petition stands disposed of in the above terms.

SUBRAMONIUM PRASAD, J

OCTOBER 16, 2024

Rahul