



2024:DHG:4447



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 24th May, 2024***
+ **ARB.P. 547/2024**

OYO WORKSPACES INDIA PRIVATE LIMITED

..... Petitioner

Through: Mr. Diptiman Accharya and Ms.
Shreya Srivastava, Advocates.

versus

OPTIMUM OVERSEAS CONSULTING SERVICES

..... Respondent

Through: None.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (oral)

1. The present Petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (*hereinafter referred to as the "Act, 1996"*) has been filed on behalf of the petitioners seeking appointment of an independent Arbitrator.

2. Briefly stated, the petitioner provides workplace solutions designed to meet the needs of corporate starting from budget to premium category. The respondent a private limited Company approached the petitioner to avail their services. The petitioner entered into a Membership Agreement dated 28.02.2023 with the respondent for their commercial location at Madarpur, Telangana. As per the said Agreement, the respondent was permitted to occupy 19 seats in the said property from 01.12.2022 to 01.03.2025 for a



monthly membership fees of Rs.1,49,454/-. It was agreed between the parties that in case of any dispute, the same shall be resolved by mutual discussion, negotiation and subsequently by arbitrations. The respondent has not cleared the dues for the usage of the property and the total unpaid dues are in the sum of Rs.1,79,217/- along with applicable TDS. Aggrieved by the actions of the respondent, the petitioner sent a Notice dated 17.02.2024 Invoking Arbitration to the respondent through email. The respondent sent a reply dated 25.02.2024 to the said Notice of the petitioner and denied the legitimate dues of the petitioner and made vague averments regarding the same. Further the respondent did not consent to the appointment of the Arbitrator as proposed by the petitioner. Hence, the petitioner filed the present petition for appointment of the Arbitrator for adjudication of disputes with the respondent.

3. The respondent has been duly served through email, despite which none has appeared on behalf of the respondent.

4. **Submissions heard.**

5. Considering that the disputes have arisen due to recovery of Rs.1,79,217/- along with applicable TDS, the disputes are amenable to be settled through arbitration.

6. The petition is referred to the Delhi International Arbitration Centre (DIAC) which shall appoint an Arbitrator from the panel for adjudication of disputes.

7. The appointment of the Arbitrator shall be governed by the rules framed by the DIAC including the fees and the disclosure to be made by the learned Arbitrator in conformity of Section 12 of the Arbitration and Conciliation Act, 1996.



2024:DHG:4447



8. The petition is disposed.
9. Let a copy of this order be sent to the Co-ordinator, DIAC.

(NEENA BANSAL KRISHNA)
JUDGE

MAY 24, 2024
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Signature Not Verified

Digitally Signed By: AHIL
SHARMA

Signing Date: 29.05.2024
14:43:17

ARB.P.547/2024

Page 3 of 3