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

+ **ARB.P. 559/2024**

VISHAL PRINTS

.....Petitioner

Through: Mr. Rohan Bhambri, Adv. (Mob.
No. 9958813761) (through VC).

versus

RAJSONS IMPEX PVT LTD & ORS.

.....Respondents

Through: Mr. Gagan Narang, Advocate.
(through VC)

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

22.08.2024

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1. This is a petition under Section 11(6) of the Arbitration & Conciliation Act, 1996 seeking appointment of an Arbitrator.
2. The respondents approached the petitioner to lease the Basement and Ground Floor of their property bearing No. A-63, Sector-4, situated in Noida, Uttar Pradesh. A registered Deed was executed on 01.01.2013. Thereafter, in continuation of the Deed, a Supplementary Agreement was executed wherein the date of rent was revised.
3. Since, the respondents failed to pay outstanding arrears of rent, the petitioner invoked arbitration vide legal notices dated 26.04.2022 & 29.04.2024.
4. Thereafter, the present petition has been filed.



5. Mr. Gagan Narang, learned counsel appearing for the respondent states that no copy of the corrected petition has been served upon the respondent pursuant to the order dated 15.05.2024.

6. The said argument does not inspire my confidence, as on 18.07.2024 and 16.08.2024, the respondent did not appear before the Joint Registrar to ask for a copy. In fact, on 16.08.2024, the learned Joint Registrar was pleased to close the right of the respondent to file a response affidavit. Hence, there is no defence of the respondent on record.

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

- i) Since in the connected matter, Mr. Rajat Wadhwa, Adv. is appointed as the Arbitrator and both parties have submitted to his jurisdiction, with the consent of both parties, Mr. Rajat Wadhwa, Adv. (Mob. No. 9810726995) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) 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.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) 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 and



merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

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

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

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

JASMEET SINGH, J

AUGUST 22, 2024/NI

Click here to check corrigendum, if any