



2024:DHC:6601



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

+ **ARB.P. 580/2024**

PARAMJIT BAJAJ

.....Petitioner

Through: Ms. Nandini Singh, Adv. for
Mr. Jaspreet Singh, Adv.

versus

MRS. NIVEDITA DAS & ORS.

.....Respondents

Through: Mr. Vikas Sharma, Mr. Surya
Singh, Ms. Tanya Kaushik and Mr. Akshat
Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

29.08.2024

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1. This is a petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996¹, for reference of the disputes between the parties to arbitration.

2. The dispute arises in the context of an Investment Agreement dated 29 September 2022 executed between the parties. Clause 10 of the said agreement envisages resolution of disputes by arbitration, and reads thus :

10. DISPUTE RESOLUTION.

10.1 Any dispute, controversy, claim or disagreement of any kind arising out of or in connection with this Agreement, including any dispute regarding its existence, validity or termination (a "Dispute"), shall be referred to and finally resolved through arbitration by an arbitral tribunal consisting of 3 (three)

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¹ "the 1996 Act", hereinafter

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2024:DHC:6601



arbitrator(s) (the "Arbitral Tribunal") in accordance with the Indian Arbitration and Conciliation Act, 1996. The claimant(s) shall nominate 1 (one) arbitrator and the respondent(s) shall nominate 1 (one) arbitrator. The 2 (two) arbitrators so nominated shall, jointly, nominate the third arbitrator within 30 (thirty) calendar days of their appointment. The third arbitrator shall act as the presiding arbitrator of the Arbitral Tribunal.

10.2 The decision of the Arbitral Tribunal shall be final and binding on the Parties. The arbitration proceedings shall be in English language. The venue and seat of arbitration shall be Delhi as determined by the Purchaser.

10.3 The Parties shall maintain strict confidentiality with respect to all aspects of the arbitration and shall not disclose the fact, conduct or outcome of the arbitration to any non-parties or non-participants, except to the extent required by Applicable Law, court order or to the extent necessary to recognise, confirm or enforce the final award in the arbitration, without the prior written consent of all parties to the arbitration

3. As disputes arose between the parties, the petitioner addressed a notice to the respondents under Section 21 of the 1996 Act on 23 December 2023 seeking reference of the disputes to arbitration.

4. The respondents did not reply to the aforesaid notice.

5. It is in these circumstances that the petitioner has approached the Court under Section 11(5) of the 1996 Act for appointment of an Arbitrator.

6. Mr. Vikas Sharma appears for the respondents and submits that the respondents have no objection to the appointment of an arbitrator.

7. As the parties have not been able to arrive at a consensus regarding arbitration, the Court has necessarily to step in and refer the

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2024:DHC:6601



disputes to arbitration.

8. Accordingly, the disputes stand referred to arbitration. This Court requests Mr. Ravinder Agarwal, Advocate (Tel. 9810056263) to arbitrate on the disputes between the parties.

9. The learned arbitrator shall be entitled to charge fees as per the Fourth schedule of the 1996 Act.

10. 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.

11. All questions of fact and law remain open to be agitated before the learned Arbitrator. This Court has not expressed any view thereon.

12. The petition stands allowed in the aforesaid terms.

C.HARI SHANKAR, J

AUGUST 29, 2024

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Click here to check corrigendum, if any