



\$~6

\*

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

+

ARB.P. 610/2024

**SACHIN KUMAR SINGHAL & ORS.**

.....Petitioner

Through: Mr. Sachin Chopra, Mr. Rakesh  
Wadhwa, Ms. Astha Gupta, Mr.  
Yashika Kapoor, Advs.

versus

**RAVI KUMAR & ORS.**

.....Respondent

Through: Mr. Ankit Jain, Mr. Utkarsh Gautam,  
Advs.

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**23.10.2024**

%

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of the Sole Arbitrator for adjudication of disputes between the parties.
2. The brief facts are that the petitioner Nos. 1 to 3 and respondents along with other family members formed a company namely M/s Janki Jewellers Private Limited (petitioner No. 4). Since there were disputes between the parties, the parties entered into a Settlement Deed dated 25.06.2021 containing various obligations to be performed by the parties.
3. The Settlement Deed contains Arbitration clause being Clause 8.1 which reads as under:-

*“In the event of any dispute between the Parties to this settlement deed, regarding the interpretation of any of the*



*terms and conditions herein contained or relating to these presents or determination of any liability or otherwise, the Parties shall enter into negotiations in good faith aimed at finding an amicable solution. If the dispute could not be resolved in a satisfactory manner within a period of 30 (thirty) days, either Party may refer the matter to arbitration or, the same shall be adjudicated by a Sole Arbitrator, who shall be appointed by the Second Party. The decision of the Sole Arbitrator shall be final and conclusive and binding on both the Parties. The provisions of the Arbitration and Conciliation Act, 1996 and the statutory modifications, amendments and/or re-enactment thereof from time to time shall apply to such arbitration proceedings. The Parties shall bear and pay their own costs, charges and expenses of the proceedings before the arbitral panel. The venue/place of Arbitration shall be at New Delhi and the language used shall be English.”*

4. Since there were disputes between the parties, the petitioner invoked arbitration vide legal notice dated 18.03.2024 and thereafter filed the present petition.
5. Mr. Jain, learned counsel appears for the respondents and states that he has no objection to appointment of an Arbitrator as long as all his objections, counter-claims raised in the reply are left open to be adjudicated by the learned Arbitrator.
6. For the said reasons, the petition is allowed and the following directions are issued:-



- i) Ms. Santosh Snehi Mann, Retd. District Judge (Mob. No. 9910384743) 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').
  - iii) The fee of the Arbitrator is fixed at Rs. 50,000/- per hearing subject to maximum of 15 hearing which shall be shared equally by the parties.
  - iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
  - v) 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 including pendency of the NCLT proceedings are left open for adjudication by the learned Sole arbitrator.
  - vi) The parties shall approach the learned Arbitrator within three weeks from today.
7. With these directions, the petition is disposed of.

**JASMEET SINGH, J**

**OCTOBER 23, 2024/sp**

[Click here to check corrigendum, if any](#)