



\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

ARB.P. 690/2023

RAJESH GURALMAL NAGPAL

..... Petitioner

Through: Mr. Ashish Bansal, Adv.

versus

M/S R.G.A. FRESH FRUITS PRIVATE LIMITED & ANR.

..... Respondent

Through: Mr. Kapil Malik, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

08.01.2024

%

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator for adjudication and resolution of the disputes between the petitioner and the respondent to the tune of Rs. 5 crores (approx.)
2. The settlement agreement dated 18.02.2022 contains the Arbitration Clause which reads as under:-

“11. In case of any dispute both Parties shall attempts to settle the same amicably and if the same is not resolved through amicable attempts, the dispute shall be referred to single arbitrator jointly appointed by the Parties hereto. The seat of arbitration shall be Delhi and the courts in Delhi solely, shall have jurisdiction in all matters arising out of this Agreement.”
3. It is stated by Mr. Malik, learned counsel for the respondent that it is not the respondent who is in default but the petitioner who has failed to perform his contractual obligations in terms of the settlement agreement. In fact there are amounts due and payable by the petitioner



pursuant to the settlement agreement.

4. These are all issues which the Sole Arbitrator will decide and adjudicate upon.
5. For the said reasons, Justice Vipin Sanghi (Retd. Chief Justice of Uttarakhand High Court) (Mob. No. 9871300037) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
6. 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.
7. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
8. 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 on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
9. The parties shall approach the learned Arbitrator within two weeks from today.
10. The petition is allowed and disposed of in the aforesaid terms.

JASMEET SINGH, J

JANUARY 8, 2024 / (MS)

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