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

+ **ARB.P. 695/2023**

M/S NEW BERCO ELECTRONIC

..... Petitioner

Through: Mr.Shantanu Aggarwal, Adv.

versus

M/S EMPIRE HOME APPLIANCES PVT. LTD. Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

18.01.2024

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1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks appointment of Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Consultancy Agreement dated 27.09.2022, which provides that disputes with respect to the agreement shall be resolved through arbitration as per provisions of A&C Act. It further provides that place of arbitration would be at New Delhi. The agreement contains arbitration clause (Clause-20) with the venue at Delhi and the claim amount is around Rs. 12,00,000/-.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 01.06.2023, issued under Section 21 of



the A&C Act.

4. Learned counsel further submits that the notice was duly served. The postal record has also been filed.
5. The notice was issued to the respondent. As per office report, the respondent was served through ordinary mode of service. The petitioner has also filed an affidavit of service along with the postal record indicating that respondent has also been served through speed post.
6. Considering the fact that since respondent has failed to appear despite, he is deemed served, the present petition is disposed of with the following directions:
 - i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
 - ii) As agreed, by the learned counsel for the petitioner Ms. Nikita Dewan, Advocate Mobile No. (9810510044) is appointed as Sole Arbitrator to adjudicate the disputes between the parties.
 - iii) 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 Schedule IV of the A&C Act or as the parties may agree.
 - 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 on merits of the dispute of



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

vi) The parties shall approach the learned arbitrator within two weeks from today.

6. The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

JANUARY 18, 2024

Pallavi