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

+ **ARB.P. 639/2024**

LEPTON SOFTWARE EXPORT AND RESEARCH PVT. LTD.

.....Petitioner

Through: Mr Nishant Nigam, Mr Aman Abbi
and Mr Anuj Goyal, Advs.

versus

TARGETONE INNOVATIONS PVT. LTD. (GOMECHANIC)

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

01.10.2024

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1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties.
2. The facts are that the petitioner is a company that deals in the business of providing location analytics and intelligence solutions by reselling Google Map Platform under requisite rights granted to it by Google Asia Pacific Pvt. Ltd.
3. The respondent approached the petitioner to obtain Google Maps APIs services and with an intent to purchase Google Map APIs including standard support on a 'Pay as You Go' model issued Purchase Order dated 08.06.2020 in favour of the petitioner.
4. Pursuant to the Purchase Order, the respondent was availing API services from the petitioner. The petitioner in accordance with the Purchase



order was raising invoices but the respondent defaulted to make the payments as per the invoices raised by the petitioner and as of now an amount of Rs. 64,34,625/- is due and payable by the respondent including the principal amount along with interest.

5. The terms and conditions of the Purchase Order contains the arbitration clause being Clause 21 which reads as under:

“21. Any dispute, controversy or claim arising out of or relating to this Agreement, or the breach, termination or validity thereof shall be finally settled by arbitration in accordance with the Arbitration and Conciliation Act; 1996. The arbitration shall be conducted in New Delhi, India. The award shall be final and binding on the Parties.”

6. Since there were disputes between the parties, the petitioner issued legal notice invoking arbitration on 17.01.2024.

7. Hence the present petition has been filed.

8. Notice in the present petition was issued on 14.05.2024 and as per the affidavit of service, the respondents have been served both through courier as well as by e-mail IDs being info@gomechanic.in and ritikgupta@gomechanic.in.

9. The aforesaid Email IDs are the e-mail IDs of the respondents available on record. Despite service there is nobody appearing on behalf of the respondents. For the said reasons, the petition is allowed and the following directions are issued:-

i) Mr. Brijesh Kumar Tamber, Advocate (Mob. No. 9891125411) 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 remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators’ Fees) Rules, 2018.
 - 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, are left open for adjudication by the learned arbitrator.
 - vi) The parties shall approach the learned Arbitrator within two weeks from today.
10. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

OCTOBER 1, 2024

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Click here to check corrigendum, if any