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

+ **ARB.P. 657/2024**

XPERT CONEXIONS

.....Petitioner

Through: Mr. Praval Arora, Mr. Aditya
Ralhan, Advocates.

versus

M/S APOLIS CONSULTING PVT. LTD.

.....Respondent

Through: Mr. Mayank Mishra, Ms. Perna
Sharma, Mr. K. Surya Pratap,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.07.2024

1. The petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of an arbitrator to adjudicate disputes between the parties under a Business Transfer Agreement dated 16.12.2022 ["the Agreement"].
2. Clause 17.2.2 of the Agreement provides for resolution of disputes by arbitration of a sole arbitrator. Delhi has been designated as the seat and venue of arbitration. Under Clause 17.1, the Courts in Delhi have been vested with exclusive jurisdiction under the Agreement.
3. Disputes having arisen between the parties, the petitioner invoked arbitration by a letter dated 17.02.2024. There was exchange of some correspondence between the parties, but they were unable to achieve consensus on the appointment of an arbitrator.



4. Mr. Mayank Mishra, learned counsel, appears on behalf of the respondent pursuant to notice issued on 16.05.2024, and submits that the respondent does not dispute the existence of the arbitration clause. He therefore, submits that the matter may be referred to arbitration leaving all rights and contentions of the parties open for adjudication by the learned arbitrator.

5. Having regard to the above, and with the consent of learned counsel for the parties, the petition is disposed of with the following direction:

A. The disputes between the parties under the Business Transfer Agreement dated 16.12.2022 are referred to arbitration of Hon'ble Mr. Justice Vipin Sanghi, former Chief Justice of the Uttarakhand High Court [Tel No:9871300037].

B. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi ["DIAC"], and the arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.

C. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

6. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned arbitrator.

PRATEEK JALAN, J

JULY 22, 2024
'Bhupi'