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

+ **ARB.P. 756/2023**

RELIANCE ELEKTRIK WORKS Petitioner
Through: Mr. Sanjoy Bhaumik, Advocate.

versus

VOLTS ENERGY INCORPORATION Respondent
Through: Mr. Rajeev Kapoor, Ms. Seema
Yadav and Mr. Aditya, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
06.02.2024

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1. Pursuant to the order dated 05.02.2024, Mr. Rajeev Kapoor, learned counsel for the respondent, appears before the Court and apologises for his absence yesterday. At the request of Mr. Kapoor, the costs ordered to be paid, are waived.
2. By way of this petition, under Section 11(6) of the Arbitration and Conciliation Act, 1996 ["the Act"], the petitioner seeks appointment of an arbitrator to adjudicate disputes arising between the parties under a purchase order dated 13.02.2023 ["Purchase Order"]. The Purchase Order contains an arbitration clause (Clause 13), which provides for adjudication of disputes by arbitration conducted in Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration by a legal notice dated 19.06.2023. The said notice failed to elicit a response.
4. Mr. Kapoor states that although time was taken on three occasions

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for filing of a reply, no reply is in fact required and the existence of the arbitration agreement is admitted. He seeks reference to arbitration, reserving the rights of the respondent to raise all permissible defences before the learned Arbitrator.

5. Having regard to the above, with the consent of learned counsels for the parties, the disputes are referred to arbitration under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi [“DIAC”]. DIAC is requested to nominate an Arbitrator from its panel.

6. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.

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

8. It is made clear that all rights and contentions of the parties are reserved for adjudication before the learned Arbitrator.

9. The original Purchase Order dated 13.02.2023, be returned to the learned counsel for the petitioner.

PRATEEK JALAN, J

FEBRUARY 6, 2024

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