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

\+ ARB.P. 704/2024

ASHISH JAIN .....Petitioner

Through: Mr. Saurabh Kalia, Mr. Shubham Gupta and Ms. Aastha Agarwal, Advocates.

versus

JATINDER KUMAR JAIN & ORS .....Respondents

Through: Mr. Vikram Kumar, Mr. Abhinav Kumar, Ms. Anushka Kumar, Advocates for R-1 & R-2

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

O R D E R

% 21.10.2024

1. The Petitioner has approached this Court by filing the instant petition under Section 11(6) of the Arbitration & Conciliation Act, 1996 for appointment of an Arbitrator to adjudicate the disputes that has arisen between the parties.

2. Respondent No.3 is a partnership firm of which the Petitioner herein, Respondent No.1 and Respondent No.2 are partners. It is stated that the Partnership Deed was executed in Delhi on 03.03.2016. Clause 3 of the Partnership Deed states that the business of the partnership firm shall be carried on at its Head Office C-1/13, Ashok Vihar, Phase-II, Delhi with its factory at Gurgaon. Clause 14 of the said Partnership Deed contains an arbitration clause.

3. Material on record discloses that a letter has been sent by the

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partnership firm with Respondent No.1 and 2 as partners, wherein a letter has been written to the bank stating that a dispute is going on between the partners.

4. In view of the above, this Court is of the opinion that this Court has jurisdiction to refer the matter to arbitration. Accordingly, Mr. Koshy John, (Adv.) (Mob. No. 9910398534) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

5. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

6. The learned arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on reference.

7. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

8. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties. This Court is also not making any observation as to whether there is arbitrable dispute or not and it is for the Arbitrator to take a decision.

9. With these observations, the petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

OCTOBER 21, 2024
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