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

+ ARB.P. 714/2024

RAMESH SINGH

.....Petitioner

Through: Dr. M.K. Gahlaut & Ms. Himanshi
Gahlaut, Advocates.

versus

G. T. L. INFRASTRUCTURE LTD. & ANR.Respondents

Through: Mr. Nitin Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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20.08.2024

1. The petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], for appointment of an arbitrator to adjudicate disputes between the parties arising out of a license agreement dated 14.09.2008.
2. The petitioner has arrayed two respondents in the petition but both are, in fact, the same company being G.T.L. Infrastructure Ltd. which has been impleaded in two different offices.
3. Pursuant to notice issued on 21.05.2024, Mr. Nitin Kumar, learned counsel, enters appearance on behalf of the respondent.
4. The original licence agreement was entered into between the petitioner and a company - Aircel Limited. Dr. M.K. Gahlaut, learned counsel for the petitioner, states that the respondent-G.T.L. Infrastructure Ltd. has stepped into the shoes of Aircel Limited, and has accepted the



applicability of the arbitration clause. In fact, a civil suit was instituted by the petitioner against the respondent, being CS No. 233/2020, in the Court of the Senior Civil Judge, Rohini, Delhi, with regard to recovery of dues under the agreement. The respondent herein made an application under Section 8 of the Act in the suit, relying upon the arbitration agreement contained in the license agreement dated 14.09.2008. The application was allowed by an order dated 20.12.2022, pursuant to which the petitioner invoked arbitration by a legal notice dated 28.01.2023.

5. In these circumstances, Mr. Kumar submits that the respondent has no objection to the appointment of an arbitrator, who may adjudicate the disputes in accordance with law.

6. Having regard to the above, and with the consent of learned counsel for the parties, the disputes between the parties under the license agreement dated 14.09.2008 are referred to arbitration under the aegis of Delhi International Arbitration and Conciliation Centre, Shershah Road, New Delhi. DIAC is requested to nominate an arbitrator from its panel.

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

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

9. All questions of maintainability and merits are left open for adjudication by the learned Arbitrator.

10. The petition stands disposed of in these terms.

PRATEEK JALAN, J

AUGUST 20, 2024//‘pv’/