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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 718/2024

SNAP ON TOOLS PRIVATE LIMITED

.....Petitioner

Through: Mr. Sharanya Bhatnagar & Mr.
Apar Mathur, Advocates. [M:-
9643943226]

versus

TOP TOOLS PVT LTD

.....Respondent

Through: Mr. Varun Chawla & Ms. Saumya
Pandotra, Advocates with AR of
Respondent.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.08.2024

1. The petitioner has approached this Court under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], for appointment of an arbitrator to adjudicate disputes between the parties under an agreement dated 18.05.2019 entitled “*Authorised Reseller Agreement*” [“the Agreement”]. The agreement contains an arbitration clause [clause 16.2] which provides for resolution of disputes by a sole arbitrator and designates New Delhi as the place of arbitration. Clause 15.2 of the agreement also vests exclusive jurisdiction in the Courts at Delhi.

2. Disputes having arisen between the parties, the petitioner invoked arbitration by a communication dated 20.12.2023, to which it did not receive a reply.



3. Mr. Varun Chawla, learned counsel, enters appearance on behalf of the respondent, pursuant to notice issued on 21.05.2024. Although he does not dispute the existence of an arbitration agreement, he submits that the disputes are capable of negotiated settlement.

4. Mr. Sharanya Bhatnagar, learned counsel for the petitioner, is also agreeable to a reference to mediation, failing which the disputes may be adjudicate by arbitration. Having regard to above, the petition is disposed of, with the consent of learned counsel for the parties, with the following directions:

- a. The parties are referred to mediation under the aegis of *Samadhan*, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi-110503.
- b. They will appear before the learned Mediator on 29.08.2024.
- c. In the event the mediation proceedings are unsuccessful, the disputes between the parties will be adjudicated by arbitration. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi [“DIAC”]. DIAC is requested to nominated an arbitrator from its panel.
- d. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.
- e. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
- f. DIAC is requested to defer the reference for a period of six weeks from today to enable the parties to resolve their disputes through mediation. In the event mediation proceedings are unsuccessful,



either party may approach DIAC to enter into the reference after a period of six weeks.

5. The petition stands disposed of with these directions.

PRATEEK JALAN, J

AUGUST 23, 2024

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