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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (T) (COMM.) 49/2024

MORINGO ORGANICS PRIVATE LIMITEDPetitioner

Through: Mr Shivram Ganesan, Adv. (through VC) with Mr
Alok Ranjan Jha, Adv.

Versus

INDOMEDIX & ORS.Respondents

Through: Mr Sumit Rajput and Ms Sabia Vewar, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

13.08.2024

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1. This is a petition filed under Section 15 of the Arbitration and Conciliation Act, 1996 seeking appointment of a substitute Sole Arbitrator to continue with the arbitration matter No. DAC/2109/09-18 titled '*Moringo Organics Private Limited v. M/s. Indomedix & Ors.*'

2. The earlier Sole Arbitrator has resigned and recused himself vide E-mail dated 17.04.2024

3. The present petition came up for hearing on 21.05.2024 and notice was issued.

4. Mr Rajput, learned counsel appears for the respondents and states that he has no objection to the petition being allowed. However, he states that before the substitute Sole Arbitrator commences the arbitration proceedings, the parties may be referred to Delhi High Court Mediation and



Conciliation Centre to explore the possibility of a settlement.

5. For the said reasons, the petition is allowed. As of today the parties are still having disputes between them, the following directions are issued:-

- i) Mr. Gautam Narayan, Advocate (Mob. No. 9811411735) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
- v) The Sole Arbitrator shall enter the reference after 8 weeks from today in order to enable the parties to explore a possibility of settlement. The parties are referred to Delhi High Court Mediation and Conciliation Centre for the said purposes and shall appear before Delhi High Court Mediation and Conciliation Centre on 27.08.2024 at 03:30 p.m.



6. The petition is allowed and disposed of in the aforesaid terms.

AUGUST 13, 2024/sr

JASMEET SINGH, J

Click here to check corrigendum, if any