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

+ **ARB.P. 815/2023 & IA No.15072/2023**

AMANDEEP

..... Petitioner

Through: Mr. Sarvesh Rai, Adv. through VC.

versus

GAURAV SAINI & ANR.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

12.02.2024

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1. By way of the present petition filed under Section 11(6)(B) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of an Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the petitioner and respondents were partners in the firm namely M/s AGM Enterprises and had entered into a Partnership Deed agreement dated 04.02.2019. Thereafter disputes arose between the parties and subsequently the petitioner sent a legal notice to the respondents. Later on, the petitioner appointed the Sole Arbitrator. However, since the respondents took an objection against the unilateral appointment, the sole arbitrator allowed the application under Section 16 of the Arbitration and Conciliation Act and thus mandate was terminated.
3. Pursuant thereto, the present petition under Section 11 has been filed. Since earlier the respondents have taken part have appeared before



the Arbitrator thus they were aware of the disputes. The order of the sole Arbitrator dated 11.07.2022 does not indicate any dispute about the agreement or the arbitration clause. The admitted amount is stated to be around Rs.30,00,000/-.

4. The petitioner has filed an affidavit of service along with an affidavit of service report on the process server dated 08.02.2024 has been filed. The report states that notice was duly served upon Ms. Pooja, wife of the respondent no.2 and she refused to receive the same. As per the office report, the respondent no.1 has also refused to receive the notice.
5. Considering the same the present dispute refers to the arbitral tribunal, with the following directions:
 - i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
 - ii) As agreed by both the counsels for the parties, DIAC shall nominate an 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 DIAC rules.
 - 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 on merits of the dispute of either of the parties, are left open for adjudication by the learned



arbitrator.

- v) The parties shall approach the learned arbitrator within two weeks from today.

6. The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

FEBRUARY 12, 2024

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