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

+ **ARB.P. 852/2023**

M/S ABHIMANTRA LIFESTYLE PVT. LTD. Petitioner

Through: Mr. Nitin Garg, Adv.

versus

M/S SHINE STAR DISTILLERS & ORS. Respondents

**Through: Mr. Akash Kakade, Mr. Swetab
Kumar, Advs. (VC)**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

26.02.2024

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1. The present petition has been filed under Section 11 (6) of the arbitration and Conciliation Act, 1996 seeking appointment of Arbitrator for adjudication of disputes inter se the parties. The parties had entered into the distributorship/brand promotion agreement dated 16.09.2022. Clause-13 of the agreement contains the arbitration clause and there is no dispute as to jurisdiction.
2. Both the learned counsels for the parties submit that a sole arbitrator may be appointed.
3. Considering that both the parties have consented to the reference to the arbitral tribunal, the present petition is disposed of with the following directions:
 - i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.



- ii) Mr. S. K. Tandon, former Judge, District and Sessions Judge is appointed as Sole arbitrator to adjudicate the disputes between the parties.
- iii) 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 as per Schedule IV of the Arbitration and Conciliation Act, 1996.
- iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- v) 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.
- vi) The parties shall approach the learned arbitrator within two weeks from today.

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

DINESH KUMAR SHARMA, J

FEBRUARY 26, 2024

Pallavi