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

+ **ARB.P. 775/2024**

RAM GOPAL GUPTA

..... Petitioner

Through: Mr. Avinash K. Trivedi and Mr.
Anurag Kaushik, Advocates.

versus

I AND FC DEPARTMENT GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Shashi Pratap Singh with Mr.
Sparsh Aggarwal, Advocates and Mr.
Praveen Panwar, JE.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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28.05.2024

I.A.30641/2024

Exemption granted, subject to just exceptions.

Application stands disposed-of.

ARB.P. 775/2024

By way of the present petition filed under section 11(6) of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks appointment of a Sole Arbitrator to adjudicate upon the disputes that are stated to have arisen with the respondent from Acceptance Letter dated 14.06.2021 bearing No.F.22(05)/2021-22/AB-CD-I/323 and Agreement for providing and fixing park equipment bearing No.14/2021-22 (together referred to as the 'Agreement').

2. Mr. Avinash K. Trivedi, learned counsel for the petitioner has drawn the attention of this court to clause 25 of the Agreement which comprises the arbitration agreement; and contemplates reference of disputes between the parties to arbitration in accordance with the A&C



Act; with the ‘venue’ of arbitration to be governed by Schedule-F to the Agreement or to be decided in consultation by both parties.

3. Though there is no specific provision relating to territorial jurisdiction in respect of the disputes between the parties, as has been averred in the petition, the Agreement that forms the basis of the transaction was signed at New Delhi; the work in question was to be executed in Delhi; and the respondent is also based in New Delhi. Therefore, in accordance with the principles of section 20 of the Code of Civil Procedure 1908, this court would have territorial jurisdiction to entertain and decide this petition.
4. As per the record, the petitioner invoked arbitration *vide* Notice dated 27.02.2024; and it transpires that the respondent answered the said notice *vide* reply dated 04.03.2024.
5. Issue notice.
6. Mr. Shashi Pratap Singh, learned counsel appears on behalf of the respondent on advance copy; accepts notice; and on instructions, does not oppose reference to arbitration, requesting only that the matter be referred to arbitration under the aegis of the Delhi International Arbitration Centre, New Delhi (‘DIAC’).
7. Mr. Trivedi is agreeable to this course of action.
8. Upon a conspectus of the averments contained in the petition, the stand taken by the respondent, and the submissions made at the Bar, this court is satisfied that there is a valid and subsisting arbitration agreement between the parties; that this court has territorial jurisdiction to entertain and decide the present petition; and also that the disputes that are stated to have arisen between the parties, as set-out *inter-alia* in



invocation notice dated 27.02.2024, do not appear *ex-facie* to be non-arbitrable.

9. Accordingly, the present petition is allowed and **Mr. Sunil Goel, Advocate (Cellphone No.: +91 9811267343)** is appointed as the learned Sole Arbitrator to adjudicate upon the disputes between the parties; with arbitration proceedings to be conducted under the aegis of the DIAC, in accordance with applicable rules.
10. The learned Sole Arbitrator would furnish to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
11. The learned Arbitrator shall then proceed with the arbitral proceedings in accordance with the rules and regulations of DIAC and subject to arbitrator's fee and arbitration costs, as may be applicable.
12. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Sole Arbitrator on merits, in accordance with law.
13. A copy of this order be communicated *forthwith* to the Co-ordinator, DIAC, for information and compliance.
14. A copy of this order be communicated by the Registry *via* e-mail to learned counsel for the parties.
15. The petition stands disposed-of in the above terms.
16. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 28, 2024/ds