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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 783/2024

HERO MOTOCORP LTD.

.....Petitioner

Through: Mr. Karan Luthra, Mr. Yogesh
Malik & Mr. Naman Gowda,
Advocates.

versus

M/S SRI VENKATESH ASSOCIATES

.....Respondent

Through: Mr. Shreyans Raniwala, Mr.
Omkar Jayant Deshpande & Mr.
Pulkit Agarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

22.08.2024

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1. By way of this petition, under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], the petitioner seeks appointment of an arbitrator to adjudicate disputes between the parties under an agreement dated 13.06.2016 entitled “PARTS DISTRIBUTOR AGREEMENT”. The agreement contains an arbitration clause [Clause 21] which provides for adjudication of disputes by arbitration of a three-member arbitral tribunal.

2. Disputes having arisen between the parties, the petitioner invoked arbitration by a letter dated 16.11.2023. In the respondent’s reply dated 09.12.2023, the petitioner's claims were disputed on merits and it was also stated that the respondent is in a precarious financial position.



However, the existence of the agreement or the arbitration clause was not disputed.

3. Mr. Omkar Jayant Deshpande, learned counsel, enters appearance on behalf of the respondent, pursuant to notice issued on 28.05.2024. He accepts the existence of the arbitration clause and consents to appointment of an arbitrator, leaving all rights and contentions of the parties open.

4. Learned counsel on both sides submit that instead of reference to a three-member tribunal, the Court may appoint a sole arbitrator in the interest of economy and expedition.

5. Having regard to the above, and with the consent of learned counsel for the parties, the petition is allowed and the disputes between the parties are referred to arbitration of Hon'ble Mr. Justice Vinod Goel, former Judge of this Court [Tel: 9910384637]. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi-110503 ["DIAC"], and will be governed by the Rules of DIAC, including as to the remuneration of the learned Arbitrator.

6. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

7. All rights and contentions of the parties on maintainability and merits are left open for adjudication by the learned Arbitrator.

PRATEEK JALAN, J

AUGUST 22, 2024

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