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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 173/2024**
PRINCE MOHAN CHUGH AND ORS

.....Petitioner

Through: Mr. Kartik Nayar, Ms. Kriti Kalra,
Ms. Rashi Arora, Advs.

versus

BIG CHARTER PRIVATE LIMITE AND ORS

.....Respondent

Through: Mr. Pradeep Dhingra, Mr. Archit
Relan, Mr. Varun Chandiok, Mr. Pradeep Kumar,
Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
06.09.2024

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I.A. 30797/2024-EX.

1. Exemption is granted subject to all just exceptions.
2. The applicant(s) shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.
3. The application is disposed of.

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4. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking interim reliefs.
5. Mr. Nayar, learned counsel for the petitioners and Mr. Dhingra, learned counsel for the respondents state that these are issues which will have to be decided by an Arbitral Tribunal in terms of the Arbitration Clause



contained as Clause 9 of the Agreement dated 14.03.2023 and Clause 13 of the Term Sheet dated 10.05.2021.

6. Clause 9 of the Agreement dated 14.03.2023 reads as under:-

“9 *Dispute Resolution*

Governed by laws applicable in India.

Arbitration in English, New Delhi, India.”

7. With consent of the parties, the following directions are issued:-

- i) Mr. Vivek Kohli, Sr. Advocate (Mob. No. 9811082909) 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 DIAC (Administrative Cost & Arbitrators’ Fees) Rules, 2018.
- 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 and merits of the dispute of either of the parties, including whether the Agreement was without consideration and having illegal object, are left open for adjudication by the learned arbitrator.



- v) The parties shall approach the learned Arbitrator within two weeks from today.
8. The present petition will be treated as a Section 17 application which will be heard and decided by the learned Arbitrator in accordance with law. The Section 17 application shall be decided expeditiously.
9. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

SEPTEMBER 6, 2024 / (MS)

Click here to check corrigendum, if any