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

+ ARB.P. 896/2023, I.A. 16692/2023

RAJINDER KAUR

..... Petitioner

Through: Mr. Uday Bedi, Ms. Veerisha
Sharma, Advs.

versus

M/S. PIONEER ESERVE PRIVATE LIMITED Respondent

Through: Mr. Vikas Sharma, Adv.

+ ARB.P. 989/2023

RAJINDER KAUR

..... Petitioner

Through: Mr. Uday Bedi, Ms. Veerisha
Sharma, Advs.

versus

M/S. PIONEER ESERVE PRIVATE LIMITED Respondent

Through: Mr. Vikas Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

12.03.2024

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1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks appointment of Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into an Agreement to Sub Lease/Agreement dated 26.04.2019. Admittedly, the said Agreement contains an arbitration clause (Clause 20.2), which provides that all disputes, with respect to the said agreement, shall be referred to arbitration as per provisions of the A&C Act, and further provides the jurisdiction at New Delhi.



3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 27.12.2022, issued under Section 21 of the A&C Act.
4. Learned counsel for the respondent has graciously submitted that with all the contentions remaining open, the matter may be referred to the arbitration. Learned counsel for the respondent submits that the respondent even as counter claimant against the petitioner.
5. 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) As agreed by both the counsels for the parties, Mr. C. K. Chaturvedi, Former District and Sessions Judge, is appointed as an 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 in terms of fee rules of the DIAC Schedule or as the parties may agree.
 - 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.
- vii) The petitions are disposed of in the above terms.

DINESH KUMAR SHARMA, J

MARCH 12, 2024
Pallavi