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

+ **ARB.P. 937/2023, I.A. 17481/2023**

GARIMA BHARADWAJ & ANR. Petitioners

Through: Mr. Rahul Bhati, Adv.

versus

M/S OMAXE LIMITED Respondent

Through: Mr. Sunil Mund, Adv. (VC).
Ms. Neha Chaturvedi, AR for
respondent.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

05.03.2024

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1. By way of the 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 an 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 dated 20.07.2017. It is submitted that the said Agreement contains an arbitration clause (Clause-45), 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 that the place of arbitration would be at Delhi.
3. Disputes having arisen between the parties, the petitioner invoked



arbitration vide notice 07.12.2022.

4. Learned counsel for the respondent in reply has taken several objections including limitation. However, learned counsel for the respondent submits that without prejudice to his rights and contentions and keeping all the contentions open, the matter may be referred to the Arbitral Tribunal comprising of a Sole Arbitrator.
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, DIAC shall nominate 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 claims, 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.
6. The petition is disposed of in the above terms.

MARCH 5, 2024/AR..

DINESH KUMAR SHARMA, J