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

+ ARB.P. 960/2023

ANK HOTELS PVT. LTD. Petitioner

Through: Mr. Mitash Charan, Adv.

versus

M/S MEHTA STAR HOTELS PVT. LTD. Respondent

Through: Mr. Ashok Kumar Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.01.2024

1. By way of the present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 [“the 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 a Hotel Operations Agreement dated 07.02.2019. It is submitted that the said Agreement contains an arbitration clause, which provides that all disputes, with respect to the said agreement, shall be referred to arbitration as per provisions of the 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 dated 16.03.2023, to which no response has been received till date.

4. Pursuant to the notice issued on 18.09.2023, learned counsel for the respondent has entered appearance. He submits that the respondent has



no objection to the appointment of an arbitrator but requests that the respondent be permitted to participate in the arbitration proceedings through video conferencing.

5. Having regard to the aforesaid submissions, the petition is disposed of, with the consent of the learned counsel for the parties, the parties are referred the disputes to arbitration of Mr. Arjun Syal, Advocate (Mob No. 9717977915). The arbitration proceedings will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi [“DIAC”], and will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator. DIAC is requested to nominate an arbitrator from its panel. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

6. If the respondent has counter claims, those may also be placed before the learned arbitrator in accordance with law.

7. It is made clear that this Court has not adjudicated the rights and contentions of the parties on merits, which are reserved for adjudication by the learned Arbitrator.

8. If the respondent makes a request to the arbitrator for permission to participate in the proceedings through video conferencing, it will be considered by the learned Arbitrator in accordance with the rules of DIAC.

9. The petition is disposed of with these directions.

PRATEEK JALAN, J

JANUARY 12, 2024/ssc/