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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 990/2023

JITENDER GOEL & ANR.

..... Petitioners

Through: Mr. Nishant Anand with Ms. Gunjan Bansal, Advocates.

versus

PRADEEP CHADHA & ORS.

..... Respondents

Through: Ms. Suneha Jain, Advocate *via* video-conferencing.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

15.05.2024

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By way of the present petition under section 11 of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioners seek appointment of a Sole Arbitrator to adjudicate upon the disputes that are stated to have arisen with the respondents from LLP Agreement dated 06.12.2019 ('Agreement').

2. Notice on this petition was issued on 22.09.2023. Though no reply has been filed in the matter, Ms. Suneha Jain, learned counsel appearing for the petitioners submits, that they do not wish to file a reply since they do not oppose the reference of the disputes between the parties to arbitration.
3. Mr. Nishant Anand, learned counsel for the petitioners has drawn the attention of this court to clause 34 of the Agreement which comprises the arbitration agreement; and contemplates reference of disputes between the parties to arbitration in accordance with the A&C Act.
4. Though there is no specific provision relating to territorial jurisdiction in respect of the disputes between the parties, as has been averred in



the petition, the Agreement that forms the basis of the transaction was signed at New Delhi; and that the petitioner(s) as well as the respondent(s) are residents of New Delhi; and therefore, on the principles of section 20 of the Code of Civil Procedure 1908, the petition would be maintainable before this court.

5. As per the record, the petitioners invoked arbitration *vide* Notice dated 13.06.2023; and it transpires that respondents reverted on the said notice *vide* reply dated 14.07.2023.
6. Upon a conspectus of the averments contained in the petition, the stand taken by the respondents, and the submissions made, this court is satisfied that there is a valid and subsisting arbitration agreement between the parties; that this court has territorial jurisdiction to entertain and decide the present petition; and also that the disputes that are stated to have arisen between the parties, as set-out *inter-alia* in invocation notice dated 13.06.2023, do not appear *ex-facie* to be non-arbitrable.
7. In view of the above, at this stage, learned counsel for the parties jointly request that this court may appoint an arbitrator; and then refer the matter for arbitration under the aegis of the Delhi International Arbitration Centre, New Delhi ('DIAC'), keeping all their respective factual and legal contentions open.
8. Accordingly, the present petition is allowed and **Mr. Sanjoy Ghose, Senior Advocate (Cellphone No.: +91 9811118889)** is appointed as the learned Sole Arbitrator to adjudicate upon the disputes between the parties; with arbitration proceedings to be conducted under the aegis of the DIAC, in accordance with applicable rules.



9. The learned Sole Arbitrator would furnish to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
10. The learned Arbitrator shall then proceed with the arbitral proceedings in accordance with the rules and regulations of DIAC and subject to arbitrator's fee and arbitration costs, as may be applicable.
11. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Sole Arbitrator on merits, in accordance with law.
12. A copy of this order be communicated *forthwith* to the Co-ordinator, DIAC, for information and compliance.
13. A copy of this order be communicated by the Registry *via* e-mail to the learned Sole Arbitrator, as also to learned counsel for the parties.
14. The petition stands disposed-of in the above terms.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 15, 2024

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