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

+ **ARB.P. 998/2023**

M/S MYSOURCE INNOVENTURES PVT LTD Petitioner

Through: **Mr.Sagar Chauhan and Mr.Rohit
Kathuria, advts.**

versus

AMAZON SELLER SERVICES PVT LTD. Respondent

Through: **Ms.Nidhi Raj Bindra, counsel for R**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

21.02.2024

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The present petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (herein referred to as “*the A&C Act*”) seeking the appointment of a sole arbitrator for adjudication of dispute between the parties.

The parties have entered into an Amazon Business Solution Agreement dated 17.6.2015. The parties entered into an addendum agreement in August 2016.

Learned counsel for the petitioner submits that both the agreements, thereafter were revised and an Amazon Business Solution Agreement was executed in November 2019. This agreement contains the arbitration clause 17 which provides that in case of any dispute, the same shall be adjudicated through arbitration by a sole arbitrator to be appointed by the respondent.



The jurisdiction that was agreed upon between the parties was that the Delhi court shall have sole and exclusive jurisdiction over all arbitration applications.

Learned counsel further submitted that initially, a demand notice was issued on 11.02.2020. The demand raised through this notice was refuted by the respondent vide reply dated 27.02.2020. Subsequently, the petitioner invoked the arbitration clause vide notice dated 21.03.2023. The claim amount is stated to be around Rs.22 lakhs.

Learned counsel for the respondent submits that a sole arbitrator may be appointed and the arbitration may be conducted under the aegis of DIAC.

With the consent of the parties, 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) Mr.Virender Mehta, Advocate (Mobile No.9811151865) 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 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.

DINESH KUMAR SHARMA, J

FEBRUARY 21, 2024

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