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

+ **ARB.P. 1018/2023**

**CONTAINER CORPORATION OF INDIA
LIMITED**

..... Petitioner

Through: Mr. Rishi Awasthi, Mr. Piyush Vats,
Mr. Avinash Ankit, Advocates.

versus

VIJAY VERMA AND COMPANY

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

04.03.2024

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1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996.
2. The parties have entered into an agreement dated 30.10.2017 for providing professional services for survey of containers/cargo and conducting Inventory Management.
3. Learned counsel submits that the respondent left their job midway and therefore, the petitioner had to appoint another contractor and hence, had to incur additional expenses for the same. The agreement contains the arbitration clause at clause 16.
4. Learned counsel for the petitioner submits that the cause of action arose in New Delhi and therefore, this court has the jurisdiction over the present matter.
5. Perusal of the record indicates that summons were sent on the address of the respondent as given in the agreement and the affidavit of service has been filed. However, the respondent has not appeared.



6. Let the matter be referred to the DIAC, 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) 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 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.

7. The petition stands disposed of in above stated terms.

DINESH KUMAR SHARMA, J

MARCH 4, 2024/K