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

+ ARB.P. 1036/2023

M/S. TECHXAA SOFT PVT. LTD. Petitioner

Through: Mr. Aditya Mishra, Adv.

versus

M/S. CHILLITRAY TECHNOLOGIES & ORS. Respondents

Through: Mr. Rishav Dubey and Mr. Amit
Kumar, advts. for respondents no.1 to
4.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **11.01.2024**

I.A. 19754/2023 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

ARB.P. 1036/2023

Present petition has been filed for appointment of a sole arbitrator for adjudication of the disputes inter se the parties. The parties have entered into a Non-Disclosure Agreement dated 05.04.2021. Clause 12 of the agreement provides that any dispute if arisen between the parties, shall be finally settled by arbitration under the provisions of Arbitration and Conciliation Act with the seat of arbitration at New Delhi.

Learned counsel for the respondent has appeared and submits that the matter may be referred to arbitration.

In view of the arbitration agreement between the parties. the venue at New Delhi and the fact that there is arbitrable dispute between the parties, Mr. Vinay Kumar Gupta, Former Principal District & Sessions Judge is



appointed as arbitrator.

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, Mr. Vinay Kumar Gupta, Former Principal District & Sessions Judge is appointed as 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 Schedule IV of the A&C Act 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.

The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

JANUARY 11, 2024/rb