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

+ ARB.P. 1014/2024

VINOD KRISHNA

.....Petitioner

Through: Mr. Vidit Gupta, Advocate.

versus

M/S ARUSH INFRA PROMOTERS
PRIVATE LIMITED

.....Respondent

Through: Ms. Nandini Singh & Mr. Jaspreet
Singh, Advocates. [Enrol No.
D/13371/2022, Mobile No.
8447155949, 9899641617]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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20.09.2024

1. The petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"], for appointment of an arbitrator to adjudicate disputes between the parties under a Memorandum of Understanding dated 29.06.2021 ["MoU"].
2. The MoU provides for adjudication of disputes by a sole arbitrator and for the arbitral proceedings to take place in New Delhi [clause 9]. Courts in New Delhi have also been vested with exclusive jurisdiction.
3. Disputes having arisen between the parties, the petitioner invoked arbitration by a letter dated 03.06.2024. As no reply was received to the said communication, the petitioner has approached this Court under Section 11 of the Act.



4. Ms. Nandini Singh, learned counsel, enters appearance on behalf of the respondent, pursuant to notice issued on 15.07.2024. She submits that the existence of the arbitration clause is undisputed and the disputes between the parties may be referred to arbitration, without prejudice to the rights and contentions of the parties in the arbitral proceedings.

5. Having regard to the above, and with the consent of learned counsel for the parties, the petition is disposed of with the following directions:

- a. The disputes between the parties under the MoU dated 29.06.2021 are referred to arbitration of Ms. Samiksha Godiyal, Advocate [Tel: 9910005408].
- b. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi-110503 [“DIAC”], and will be governed by the Rules of DIAC, including as to the remuneration of the learned Arbitrator.
- c. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

6. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned Arbitrator including as to the question of arbitrability, maintainability and limitation.

7. The petition stands disposed of in these terms.

PRATEEK JALAN, J

SEPTEMBER 20, 2024

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