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

+ **ARB.P. 1050/2023**

OMEGA SEIKI MOBILITY PRIVATE LIMITED

..... Petitioner

Through: Mr.Saransh Goel, Mr.Lawanya
Khanna and Mr.Rajat Asija, advts.

versus

MERIDIAN ENTERPRISES

..... Respondent

Through: Mr.Param Yadav, Advt.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

19.01.2024

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1. By way of present petition filed under Section 11 (5) & (6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Consultancy Agreement dated 22.03.2023, which provides that disputes with respect to the agreement shall be resolved through arbitration as per provisions of A&C Act. It further provides that the place of arbitration would be at New Delhi. The agreement contains an arbitration clause (clause 11) which says any dispute arising out of or in



connection shall be referred to arbitration with the venue at Delhi.

3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 16.05.2023, issued under Section 21 of the A&C Act and the claim amount is Rs. 19 Lakhs.
4. Learned counsel appearing for the respondent, on instructions, submits that the answering respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator.
5. 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, Ms. Beenashaw Soni N., Advocate (Mobile No. 9810046611) 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 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.

6. The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

JANUARY 19, 2024

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