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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1083/2023

PARAMOUNT PREMIER PRIVATE LIMITED

..... Petitioner

Through: Ms Jasmine Damkewala, Ms Vaishali
Sharma, Advs.

versus

PRIYANKA

..... Respondent

Through: Ms. Ritika Jhurani, Mr. KK Tiwari,
Mr. AK Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

30.01.2024

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1. This is a petition filed under Section 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the petitioner and the respondent arising out of the Due Amount Franchise Agreement cum MoU dated 03.02.2021.
2. The arbitration Clause is contained in Clause 'p' of the MoU which reads as under:-

“(p) Any dispute or disagreement qua the abovesaid matter(s) shall be referred to sole Arbitrator to be appointed by the first party vide Arbitration and Conciliation Act 1996 and the seat of Arbitration shall be at Delhi and nowhere else. As regards other modes of adjudication or dispute resolution by way of courts or police or any other appropriate authority the jurisdictional seat/Place shall be at Delhi alone.”



3. The learned counsel for the respondent states that there are no amounts due and payable by the respondent to the petitioner but the respondent has no objection to the appointment of an Arbitrator to adjudicate the same.
4. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-
 - i) Mr. Anil Kher, Sr. Adv. (Mob. No. 9810072729) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) 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 the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
 - iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
 - iv) 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.
 - v) The parties shall approach the learned Arbitrator within two weeks from today.



5. The petition is allowed and disposed of in the aforesaid terms.

JANUARY 30, 2024 / (MS)

JASMEET SINGH, J

Click here to check corrigendum, if any