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

+ **ARB.P. 1084/2023**

ARCHANA SAINI

..... Petitioner

Through: **Mr. Rikesh Singh and Mr. Nilesh Kumar, Advs.**

versus

VINOD KUMAR SHARMA & ORS.

..... Respondent

Through: **Mr. Fanish Kr. Rai, Adv. for R1**

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

23.02.2024

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1. This is a petition on behalf of the petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes arisen between the parties out of Facility Agreement dated 03.12.2020.

2. The Arbitration Clause is contained in Clause 9.2 of the said Agreement, which reads as under:-

“9.2 All disputes shall .be referred to sole arbitrator Mr. Sanjeev Kumar Singh, Advocate office at 70, Lawyers Chamber Supreme Court Proceeding under Arbitration will be governed under the Arbitration and Conciliation Act 1996. The place of Arbitration would be at Delhi.”

3. Even though the Arbitration Clause contains the name of a Sole Arbitrator. Mr. Singh, learned counsel for the petitioner has no objection for appointment of a Sole Arbitrator by this Court.



4. The respondent No. 2 and 3 have already given no objection for appointment of an Arbitrator. Their “no objection” is recorded in the order dated 13.12.2023. On that day, Mr. Gaurav, learned counsel appeared for the respondent No. 1 and sought two weeks to file a reply.

5. There is no reply on record and there is no appearance on behalf of the respondent No.1.

6. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-

i) Ms. Radhika Bishwajit Dubey, Adv. (Mob. No. 9810982927) 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.



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

JASMEET SINGH, J

FEBRUARY 23, 2024/NG

Click here to check corrigendum, if any

After the order has been passed, Mr. Fanish Kumar Rai, learned counsel appears on behalf of the respondent No.1 and has been apprised of the order passed today.

JASMEET SINGH, J

FEBRUARY 23, 2024/MS/NG

Click here to check corrigendum, if any