



2024:DHC:6730



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

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ARB.P. 1050/2024

M/S SANDHU MOTOR FINANCE PVT LTD .....Petitioner

Through: Ms. Sonali Arora, Ms. Darshika  
Tiwari and Ms. Annu, Advs.

versus

SUMIT ALI &amp; ANR.

.....Respondent

Through:

**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****ORDER (ORAL)**

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**02.09.2024**

1. This is a petition under Section 11(5) of the Arbitration and Conciliation Act, 1996<sup>1</sup>, seeking reference of the disputes between the parties to arbitration.

2. The disputes have already suffered one round of arbitration.

3. Ms. Priyanka Agarwal, was appointed as the arbitrator unilaterally by the petitioner in Section 21 notice dated 27 February 2021. Ms. Priyanka Agarwal proceeded to pass an award on 6 January 2022.

4. The petitioner filed an execution petition 283/2022 before the Senior Civil Judge, Karkardooma for execution of the award.

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<sup>1</sup> "the 1996 Act", hereinafter



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However, keeping in view, the fact that the appointment of the arbitrator was unilateral, the petitioner withdrew the execution petition on 22 May 2024 with liberty to initiate appropriate legal proceedings.

5. The petitioner has, therefore, re-approached this Court under Section 11(5) of the 1996 Act to appoint a new arbitrator to arbitrate on the disputes.

6. No fresh invocation notice would be required to be issued as the petitioner has already issued a notice invoking arbitration on 27 February 2021.

7. Despite, service of notice in this petition, the respondents have neither appeared nor condescended to file any reply.

8. I have heard Ms. Sonali Arora, learned Counsel for the petitioner.

9. In these circumstances, this Court refers the dispute to the DIAC to appoint a suitable arbitrator to arbitrate on the disputes between the parties.

10. The arbitrator shall be entitled to charge fees as per the schedule of fees maintained by the DIAC.

11. The learned arbitrator is also requested to file requisite disclosure under Section 12(2) of the 1996 Act within a week of



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entering on the reference.

**12.** The petition is disposed of in the aforesaid terms.

**C.HARI SHANKAR, J**

**SEPTEMBER 02, 2024/aky**

*Click here to check corrigendum, if any*