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

+ **ARB.P. 1056/2024**

AAPKA HUMDUM SOLUTIONS AND SERVICES LLP

.....Petitioner

Through: Ms. Samya, Adv.

versus

NISHA MALIK

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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15.10.2024

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the parties.
2. The facts of the matter are that the respondent obtained Short Term Demand Loan on 16.07.2022.
3. The Agreement dated 16.07.2022 had an arbitration clause, being Clause 10, which reads as under:

“10. That both the parties explicitly agree that the disputes between the parties arising or relating to this agreement and payment/ re-payment shall be settled through arbitration in accordance with Arbitration and conciliation Act 1996, and same shall be referred to the sole arbitrator mutually appointed by the parties. The arbitrator proposed by the aggrieved party (firm or the second party as the case may be), shall be deemed to be mutually appointed and will be entitled to enter into the reference and decide



the dispute, if the proposal of his name is not disputed by the other party within 15 days of receipt of notice of invocation of arbitration clause. The seat of arbitral tribunal shall be at Delhi and language shall be English. The cost of arbitration shall be borne by the party against whom the arbitration award is passed. The award of the sole arbitrator shall be binding on both the parties. The parties agree to submit to the exclusive jurisdiction of the Courts at Delhi. It is further agreed that District court of South Distt -Delhi or Delhi High Court as the case may be, shall be the Principal Civil Court for the purpose of any proceedings under the Arbitration and conciliation Act 1996. The notices to the parties sent through any of the modes Viz post/ email/ WhatsApp/Courier and same shall be deemed to be valid service of notice or other communications under this agreement.”

4. Since the respondent failed to comply with its obligations, the petitioner issued legal notice dated 01.09.2022 invoking arbitration.
5. An award dated 13.04.2023 was passed by the learned arbitrator. The execution proceedings before the District Judge (Commercial Court), Saket were dismissed on account of the unilateral appointment of the learned Arbitrator and the Award being a nullity.
6. Thereafter, the present petition has been filed.
7. Notice was issued on 22.07.2024 and as per the service report, the respondent has been served through Whatsapp on her mobile No. 8585913885.
8. Ms. Samya, learned counsel for the petitioner has handed over photocopy of the Aadhar Card of the respondent showing the same mobile number.
9. For the said reasons, I am satisfied that the respondent has been served.
10. Despite service, there is nobody appearing on behalf of the



respondent.

11. For the said reasons, the petition is allowed and disposed of with the following directions:

- i) Mr. Sukhdev Singh, (Retd. ADJ) (Mob. No. 9910384661) 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').
- iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
- 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/counter-claims and 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.

12. Copy of the Aadhar Card handed over in Court is taken on record.

JASMEET SINGH, J

OCTOBER 15, 2024/DM

[Click here to check corrigendum, if any](#)