



2024:DHC:7080



\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **ARB.P. 1098/2024****MRS KAJAL KIRAN MISHRA**

.....Petitioner

Through: Mr. Janak Raj Rana and Mr.
Vinod Patidar, Advs.

versus

M/S RADIANT HUES CRM SOLUTION PVT.**LTD. AND ORS.**

.....Respondents

Through: Mr. Shammi Kapoor and Mr.
Gaurav Varma, Advs.**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****ORDER (ORAL)****12.09.2024**

%

1. This is a petition under Section 11(5) of the Arbitration and Conciliation Act, 1996¹, seeking appointment of an Arbitrator to arbitrate on the disputes between the parties.

2. An earlier round of arbitration culminated in an award dated 2 January 2023, which stands set aside by judgment dated 13 May 2024 of the learned Additional District Judge reserving liberty with the petitioner to reinitiate arbitration, as per law.

3. The petitioner thereafter addressed a notice to the respondents, seeking re-initiation of arbitration on 22 May 2024 suggesting the name of the arbitrator to arbitrate on the disputes. The respondents by



2024:DHC:7080



its reply dated 29 June 2024 objected to the arbitrator named in the petitioner's representation and further stated that no arbitrable claims survived. In the alternative, the respondents suggested the name of another arbitrator to arbitrate on the dispute.

4. There can be no serious challenge to the prayer for appointing an arbitrator as the dispute has already sustained one round of arbitration, with the resultant award, which was against the petitioner having been set aside by the learned Additional District Judge with liberty to reinitiate arbitral proceedings. The petitioner has thereafter addressed a notice to the respondents suggesting the name of an arbitrator. The respondents has suggested the name of another person as the arbitrator.

5. The parties have therefore not been able to arrive at a consensus regarding the identity of the arbitrator to arbitrate on the disputes.

6. The claim of the petitioner against the respondents is in the region of ₹ 1.73 lakhs.

7. Accordingly, this dispute is referred to the Delhi International Arbitration Centre² to appoint a suitable arbitrator to arbitrate on the disputes.

8. The arbitration shall take place under the aegis of the DIAC and would abide by its rules and regulations.



2024:DHC:7080



9. The learned arbitrator shall be entitled to charge fees as per schedule of fees maintained by the DIAC.
10. The learned arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act, within a week of entering on reference.
11. Learned counsel for the respondents objects to the impleadment of Respondents 2 and 3 in this case.
12. It is seen that the agreement is only between the petitioner and Respondent 1 and, Respondent 2 has signed the agreement only on behalf of Respondent 1. As such, it is not necessary to separately implead Respondent 2 and 3 in the arbitration.
13. The petition stands allowed in the aforesaid terms.

C.HARI SHANKAR, J

SEPTEMBER 12, 2024/yg

Click here to check corrigendum, if any

Signature Not Verified

Digitally Signed
By: AJIT KUMAR
Signing
Date: 14.09.2024 23:09

ARB.P. 66/2024

Page 3 of 3

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHAR
AN HARI SHANKAR
Signing Date: 14.09.2024
23:08