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

+ **ARB.P. 1158/2023**

PEERFINTECH SOLUTIONS PRIVATE LIMITED Petitioner

Through: **Mr. Prabhakar Tiwari, Adv.**

versus

PERFIOS SOFTWARE SOLUTIONS PRIVATE LIMITED

..... Respondent

Through: **Mr. R.A. Iyer, Adv.**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

01.05.2024

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1. By way of the present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Service Agreement dated 28.02.2021, It is submitted that the said Agreement contains an arbitration clause (Clause-9.3), which provides that all disputes, with respect to the said agreement, shall be referred to arbitration as per provisions of the A&C Act, and further provides that the place of arbitration would be at Delhi.
3. In terms of Clause-9.2 of the service agreement executed between the parties, the parties have already made efforts for the amicable



settlement of the matter which could not succeed.

4. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 20.07.2023, issued under Section 21 of the A&C Act.
5. Learned counsel appearing for the respondent, on instructions, submits that the answering respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator.
6. The claim amount is around Rupees Twenty-Eight Lakhs Only.
7. Considering that both the parties have consented to the reference to the arbitral tribunal, the present petition is disposed of with the following directions:
 - i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
 - ii) Ms. Rati Coshic, Advocate, (Mobile No. 9818215275) is appointed as an Arbitrator to adjudicate the disputes between the parties.
 - iii) 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 fee rules of the DIAC Schedule or as the parties may agree.
 - 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 on 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.

8. The petition is disposed of in the above terms

DINESH KUMAR SHARMA, J

MAY 1, 2024/AR..