



2024:DHC:6981



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1131/2024**
MAHARAJA AGARSAIN PUBLIC SCHOOLPetitioner
Through: **Mr. Sharad Malhotra, Adv.**

versus

M/S ENTAB INFOTECH PVT LTDRespondent
Through: **Mr. Ashish Kumar, Adv.**

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

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09.09.2024

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996¹, seeking reference of the disputes between the parties to arbitration.

2. Mr. Ashish Kumar, learned counsel for the respondent, at the outset, submits, on instructions, that he has no objection to the disputes being referred to arbitration.

3. The disputes arise in the context of a Campuscare Software Service Level Agreement dated 11 May 2023. The said agreement contains an arbitration clause, which read thus:

“22. Governing Law and jurisdiction

a) Arbitration: Any dispute arising out of the present

¹ “the 1996 Act”, hereinafter



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agreement shall be first settled mutually between the parties failing which the disputes shall be referred to a sole arbitrator to be appointed with the mutual consent of both the parties.”

4. Apropos the disputes that arose between the parties, the petitioner addressed a notice to the respondent under Section 21 of the 1996 on 29 December 2023.

5. The total claim of the petitioner against the respondent is in the region of ₹ 25 lakhs.

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

7. Learned counsel for the parties *ad idem* submit that it would expedite matters if the arbitrator is conversant with software development. The DIAC would keep this factor in mind while appointing the arbitrator.

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

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

² “the DIAC”, hereinafter



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10. The 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. All contentions of fact and law are left open for adjudication before the arbitrator.

12. The petition stands allowed in the aforesaid terms.

C. HARI SHANKAR, J.

SEPTEMBER 9, 2024

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Click here to check corrigendum, if any