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

+ **ARB.P. 1369/2022 & I.A. 20323/2022**

MS ZIIKI MEDIA PRIVATE LIMITED

..... Petitioner

Through: Mr. Pradeep Desodya and Mr.
Amandeep Singh, Advocates.

versus

DILPREET SINGH DHILLON @ DILPREET DHILLON

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

09.02.2024

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By way of the present petition under section 11 of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks appointment of a Sole Arbitrator to adjudicate upon the disputes that are stated to have arisen with the respondent from Content License Agreement dated 01.07.2020 ('Agreement').

2. Notice on this petition was issued on 02.12.2022.
3. Despite having been duly served and by reason of repeated default on part of the respondent to enter appearance in the matter, *vide* last order dated 07.12.2023, this court issued court notice to the respondent returnable for today, observing that the matter would be



taken-up for hearing even if there was no appearance on behalf of the respondent.

4. Office report indicates that court notice has been duly served upon the respondent.
5. However, no one is present on behalf of the respondent; nor has any reply been filed.
6. In view of the above, this court is satisfied that the respondent has been duly served in the matter but has chosen not to be represented.
7. Accordingly, the respondent is set *ex-parte*.
8. Mr. Pradeep Desodya, learned counsel for the petitioner has drawn the attention of this court to clause 12.6 of the Agreement which comprises the arbitration agreement; and contemplates reference of disputes between the parties to arbitration in accordance with the A&C Act; with a further stipulation that the arbitration proceedings shall take place in New Delhi.
9. For completeness, it may be recorded, that a separate territorial jurisdiction provision is also contained in clause 12.6, which subjects the contract between the parties to the jurisdiction of competent courts at New Delhi.
10. As per the record, the petitioner invoked arbitration *vide* Notice dated 02.04.2022, to which the respondent has not sent any reply.
11. Upon a conspectus of the averments contained in the petition and the submissions made, this court is satisfied that there is a valid and subsisting arbitration agreement between the parties; that this court has territorial jurisdiction to entertain and decide the present petition; and also that the disputes that are stated to have arisen between the



parties, as set-out *inter-alia* in invocation notice dated 02.04.2022, do not appear *ex-facie* to be non-arbitrable.

12. In view of the above, at this stage, learned counsel for the petitioner requests that this court may appoint an arbitrator; and then refer the matter for arbitration under the aegis of the Delhi International Arbitration Centre, New Delhi ('DIAC'), keeping all their respective factual and legal contentions open.
13. Accordingly, the present petition is allowed and **Ms. Meghna Mittal Sankhla, Advocate (Cellphone Nos.: +91 9871236666 and 9899912347)** is appointed as the learned Sole Arbitrator to adjudicate upon the disputes between the parties; with arbitration proceedings to be conducted under the aegis of the DIAC, in accordance with applicable rules.
14. The learned Sole Arbitrator would furnish to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
15. The learned Arbitrator shall then proceed with the arbitral proceedings in accordance with the rules and regulations of DIAC and subject to arbitrator's fee and arbitration costs, as may be applicable.
16. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Sole Arbitrator on merits, in accordance with law.
17. A copy of this order be communicated *forthwith* to the Co-ordinator, DIAC, for information and compliance.



18. A copy of this order be communicated by the Registry *via* e-mail to the learned Sole Arbitrator, as also to learned counsel for the parties.
19. The petition stands disposed-of in the above terms.
20. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 9, 2024

MR