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

+ **ARB.P. 1160/2024**

M/S TOPLINE SOLUTION PVT. LTD.Petitioner

Through: Mr. Anik Kumar Mishra, Advocate.

versus

RAM KISHAN SHARMARespondent

Through: Mr. Prateek Aggarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

26.11.2024

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1. The Petitioner has approached this Court under Section 11(6)(b) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the parties.
2. It is stated that the Petitioner and Respondent executed a Consultancy Agreement dated 27.06.2023. It is stated that the Petitioner sent various documents/letters to the Respondent for signatures for submitting the required documents/letter before the concerned authority for its liquidation but the Respondent failed to send the signed documents/letters.
3. It is stated that since the Respondent failed to clear the invoice, the Petitioner issued a legal notice dated 11.01.2023 for recovery of an amount of Rs.35,53,262.23/-. The Respondent issued a vague reply to the said notice denying the execution of the agreement.
4. Since the disputes have arisen between the parties, the Petitioner *vide* notice dated 22.02.2024 invoked the arbitration. Clause 5 of the Consultancy Agreement dated 27.06.2023 contains an Arbitration Clause.
5. During the course of hearing, respective Counsel for the parties



jointly request that an independent Sole Arbitrator be appointed to adjudicate the disputes between the parties.

6. Accordingly, Ms. Anisha Banerji, Adv. (Mob. No.9811362021) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

7. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

8. 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.

9. In the meantime, it is always open for the parties to settle the disputes.

10. All rights and contentions of the parties in relation to the claims/counter-claims, question regarding jurisdiction, arbitrability of the dispute on the ground of fraud etc. are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

11. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties and the order that is being passed is confined to appointment of Arbitrator under Section 11 of the Arbitration & Conciliation Act.

12. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 26, 2024

RJ