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

+ **ARB.P. 1217/2023**

M/S ODWEN TECHNOLOGIES PRIVATE LIMITED.... Petitioner

Through: **Mr. Vivek Sharma, Adv. (VC).**

versus

M/S FORTE FURNITURE PRODUCTS INDIA PVT. LTD

..... Respondent

Through: **Mr. Dhanesh Relan, Ms. Brinda
Batra, Advs.**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.02.2024

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I.A. 23010/2023

1. Learned counsel for the petitioner seeks permission to withdraw the present application.
2. In view of the submissions made, the present application is dismissed as withdrawn.
3. **ARB.P. 1217/2023**
4. By way of the present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks appointment of an Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes between the parties.
5. Learned counsel submits that he has filed the reply yesterday. However, the reply is not on record.



6. Let the reply be brought on record.
7. Learned counsel for the petitioner submits that the parties had entered into a Warehouse Services Agreement dated 10.08.2021. It is submitted that the said Warehouse Services Agreement contains an arbitration clause (Clause-13), 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.
8. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 23.04.2023.
9. Learned counsel submits that the claim amount is around Rupees Nineteen Lacs.
10. 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.
11. 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) As agreed by both the counsels for the parties, Mr. Rakesh Kumar Dudeja, Advocate (Mobile No. 9810147798) 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.
12. The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

FEBRUARY 16, 2024/AR..