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

+ **ARB.P. 1238/2024**

MS. SONI KUMARI

.....Petitioner

Through: Mr Ankit Kumar, Ms Shreya Yadav
and Mr Vaibhav Sharma, Advs.

versus

MRS. SEEMA GHAI

.....Respondent

Through: Ms Vrinda Awasthi and Ms Merlin
Mathew, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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12.08.2024

I.A. 36160/2024

1. Exemption is granted subject to all just exceptions.
2. The petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.
3. The application is disposed of.

ARB.P. 1238/2024

4. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties arising out of a Partnership Agreement dated 03.09.2013, modified on 10.10.2018.
5. The arbitration clause is Clause 18 of the Modified Partnership Deed dated 10.10.2018 which reads as under:

*“18. All disputes and differences whatsoever which shall arise
between the partners or between the partners and the personal*



representative of the partnership or the interpretation of this agreement and whether before or after the determination of the partnership shall be referred to a single arbitrator, if the parties agree upon one, otherwise to two arbitrators one to be appointed by each party to the difference in accordance with and subject to the provisions of the Arbitration and Conciliation Act, 1996 or any statutory modification or re-enactment thereof for the time being in force.”

6. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 27.06.2024.

7. For the said reasons, issue notice.

8. Ms Awasthi, learned counsel accepts notice on behalf of the respondent and states that she has no objection to the petition being allowed.

9. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-

i) Mr. Harkirat Sawhney, Advocate (Mob. No. 9810000381) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.

ii) 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 the Fourth Schedule of the Arbitration & Conciliation Act, 1996.

iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the



reference.

- iv) 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/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
- v) The parties shall approach the learned Arbitrator within two weeks from today.

10. The petition is allowed and disposed of in the aforesaid terms.

JASMEET SINGH, J

AUGUST 12, 2024

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Click here to check corrigendum, if any