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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1319/2023

SANDEEP KAPUR

..... Petitioner

Through: Mr. Chandra Shekhar Goswami,
Adv.

versus

INDIA ASSIST INSIGHTS PVT LTD & ANR.

..... Respondent

Through: Ms. Pallavi Sengupta, Mr. Arjun
Krishnan, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

20.02.2024

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1. This is a petition seeking appointment of an Arbitrator in terms of Clause 16 of the Advisory Agreement dated 22.11.2021, which reads as under:-

“16. DISPUTE RESOLUTION

Any claim, dispute or difference relating to or arising out of this Agreement shall be referred to the arbitration, of this Agreement shall be subject to the Arbitration and Conciliation Act, 1996 as may be amended from time to time. The parties shall mutually decide upon the name of the sole arbitrator and will conduct the arbitration in accordance with the rules for conduct of Arbitration proceedings then in force and applicable to the proceeding. The seat and venue of



arbitration shall be Delhi. The proceeding shall be in English. The arbitration award shall be final and binding on the Parties.”

2. The petitioner invoked arbitration *vide* legal notice dated 19.10.2023. It is stated that the respondents did not reply to the said notice and instead issued the termination letter dated 18.11.2023.
3. Hence, the present petition has been filed.
4. Ms. Sengupta, learned counsel appears on behalf of the respondent Nos. 1 and 2 and states that the amount is miniscule and it would be in the interest of parties if they are referred to mediation. The same is not acceptable to the learned counsel for the petitioner.
5. Since there are disputes existing between the parties and there is no reply filed by the respondent, I am inclined to allow the petition and the following directions are issued:-
 - i) Dr. N.P. Kaushik, Adv. (Mob. No. 9910384663) 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 on 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.
6. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 20, 2024 / (MS)

Click here to check corrigendum, if any