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

+ **ARB.P. 1325/2023**

SNAP ON TOOLS PRIVATE LIMITED

..... Petitioner

Through: Ms. Kaveri Rawal & Ms. Vidhi
Lalvani, Advocates.

versus

NEW CAPITAL EQUIPMENTS

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

23.02.2024

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I.A. 25087/2023 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The present Petition under Section 11(4) & (6) of the Arbitration and Conciliation Act, 1996 (*hereinafter referred to as "Act, 1996"*) seeks appointment of a Sole Arbitrator for adjudication of the disputes having arisen between the parties in respect of the Authorized Reseller Agreement dated 01.01.2019 entered into between the parties.
4. The petitioner *vide* Legal Notice/Demand Notice dated 09.02.2022 demanded the outstanding sum of Rs. 23,69,878/- from the respondent. However, the respondent failed to make the payment, despite repeated requests of the petitioner.



5. The petitioner invoked the Notice of Invocation dated 09.10.2023 in terms of the Clause 16.2 of the Authorized Reseller Agreement dated 01.01.2019, despite which the respondent has not come forth for payment of the outstanding amount.
6. Hence, the present petition under Section 11(4) & (6) of the Act, 1996 has been filed on behalf of the petitioner, seeking appointment of a Sole Arbitrator.
7. Learned counsel for the petitioner submits that the respondent has been duly served with the notice and even *dasti* notice under signatures had been delivered, but the respondent has failed to appear. The affidavit of service has also been filed.
8. Present none on behalf of the respondent despite service.
9. **Submissions heard.**
10. Considering that there are disputes under the aforesaid Authorized Reseller Agreement dated 01.01.2019 which contains the Clause for Resolution of Disputes through arbitration, and also that the arbitrable disputes have been raised by the petitioner, the present petition is allowed and Mr.Brijesh Kumar Tambar, Advocate (Mobile No.9891125411) is hereby appointed as the Arbitrator to adjudicate the disputes between the parties.
11. The parties are at liberty to raise their respective objections before the Arbitrator.
12. The fees of the learned Arbitrator would be fixed in accordance with the IV Schedule to the Act, 1996 or as consented by the parties.
13. This is subject to the Arbitrator making necessary disclosure as under Section 12(1) of the Act, 1996 and not being ineligible under Section 12(5)



of the A&C Act, 1996.

14. It is clarified that the Arbitrator shall enter reference after one month from today. In the duration of this one month, the parties may explore the possibility of settlement, failing which the arbitration proceedings shall be commenced by the Arbitrator.

15. Accordingly, the present petitions are disposed of.

NEENA BANSAL KRISHNA, J

FEBRUARY 23, 2024

S.Sharma