



2024:DHC:9799



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 18.12.2024

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ARB.P. 1297/2024

PUERTO LIFE SCIENCES PVT. LTD.

.....Petitioner

Through: Mr. Preetam Singh, Advocate.

versus

STERIMAX INDIA PVT. LTD.

.....Respondent

Through: Mr. Sudhir Naagar, Ms. Rajshree
Singh and Mr. Piyush Aggarwal,
Advocates.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter '*the A&C Act*') seeks constitution of an arbitral tribunal to adjudicate the disputes between the parties.
2. The disputes between the parties have arisen in the context of a Purchase Order dated 03.03.2020 bearing number PLS/PROJ/ENGG/122/03/19-20 (hereinafter '*the PO*') for purchase of LVP Machines.
3. Clause 4 of the PO under (General Conditions) prescribes as under:

"In case of any disputes/differences arising in respect of this Purchase Order shall be subject to jurisdiction of Delhi and place of arbitration at New Delhi."
4. After some hearing, respective counsel for the parties are in agreement that an independent sole arbitrator be appointed to adjudicate the



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disputes between the parties. It is further agreed that although the seat arbitration shall be Delhi, the venue of arbitration, as far as may be practicable, shall be Mumbai.

5. Accordingly, Mr. Justice (Retd.) Shantanu Kemkar, Former Judge, Bombay High Court, (Mob. No.: 7678080789) is appointed as the sole arbitration to adjudicate the disputes between the parties.

6. Needless to say, the respondents shall be entitled to raise appropriate objections, if any, as regards arbitrability/jurisdiction before the learned arbitrator which shall be considered by the learned sole arbitrator in accordance with law.

7. The respondents shall also be at liberty to raise counter-claims, if any, in the arbitral proceedings. The same shall be duly adjudicated by the learned Sole Arbitrator in accordance with law.

8. The learned Sole Arbitrator may proceed with the arbitration proceedings subject to furnishing to the parties requisite disclosure/s as required under Section 12 of the A&C Act.

9. Respective counsel are in agreement that the arbitration be held under the aegis of and as per rules of Mumbai Centre for International Arbitration (MCIA). It is directed accordingly.

10. Needless to say, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the case.

11. The present petition is allowed in the above terms.

SACHIN DATTA, J

DECEMBER 18, 2024/at