



\$~6

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

+ **ARB.P. 1334/2023**

MANAN GUPTA & ANR.

..... Petitioners

Through: **Dr. Anurag Kumar Agarwal, Adv.**

versus

MANOJ KR. GUPTA & ORS.

..... Respondents

Through: **Mr. Lalit Gupta, Mr. Prashant Mehra,
Adv.**

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

05.03.2024

%

1. This is a petition u/s 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator in terms of partnership deed dated 02.04.2019.
2. The arbitration clause is contained in clause 17 of the said agreement, which reads as under:

“17. That all disputes and questions in connection with the partnership of this deed arising between the partners shall be referred to the arbitration under the Indian Arbitration Act.”
3. Since there were disputes between the parties, the petitioner invoked the arbitration clause vide legal notice dated 25.10.2023.
4. Even though petitioner No. 2 is not the party to the agreement, Petitioner No. 2 is one of the LRs of Late Shri Raj Kumar Gupta.
5. According to me, *prima facie*, he is covered under Section 40 of the



Arbitration and Conciliation Act, 1996.

6. The respondents have filed their reply, wherein the objections which have been raised are purely factual in nature.

7. Since there are disputes between the parties, the petition is allowed and disposed of with the following directions:

- i) Justice Jayant Nath, (Retd.) (Mob. No. 8527959494) 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.

JASMEET SINGH, J

MARCH 5, 2024/DM

Click here to check corrigendum, if any