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

+ **ARB.P. 1350/2023 & I.A. 25573/2023, I.A. 45032/2024**

FIMER INDIA PRIVATE LIMITED

.....Petitioner

Through: Mr. Ashwini Kumar, Mr. Shubh
Goyal and Ms. Garima Verma,
Advocates

versus

**M/S CHEMITECH CONSTRUCTIONS PRIVATE LIMITED AND
ORS.**

.....Respondent

Through: Ms Tina Garg, Advocate

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

10.12.2024

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1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 by the Petitioner seeking appointment of an Arbitral Tribunal consisting of three Arbitrators to adjudicate upon the disputes which have arisen between the parties in respect of the various Purchase Orders issued by the Petitioner to the Respondent for supply of various types of electric appliances including inverters and allied activities. .

2. It is stated that each of the purchase orders contains an Arbitration Clause. The Arbitration Clause indicates that the seat of the Arbitration will be in Delhi.

3. The Arbitration Clause of Purchase Order reads as under:

“Arbitration



• *All disputes arising in connection with this Agreement/Purchaser Order shall be finally settled and governed by the provisions of Arbitration and Conciliation Act, 1996. The arbitration panel shall consist of three arbitrators, one to be appointed by each Party and the third arbitrator shall be appointed by the two appointed arbitrators. The third arbitrator shall serve as a chairman.*

• *The award of the arbitral tribunal shall be final and binding on both Parties. The place of arbitration shall be at Delhi The proceedings shall be conducted in English language.”*

4. Since the disputes have arisen between the parties under the Purchase Orders, the Petitioner *vide* notices dated 14.07.2022 and 21.07.2023 has invoked the arbitration.

5. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the Agreement, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.

6. Accordingly, Ms. Meenakshi Chauhan, Advocate, (Mob. No.9811671038) is appointed as an Arbitrator to adjudicate upon the disputes between the Parties.

7. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

8. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on reference.

9. All rights and contentions of the parties in relation to the



claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

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

11. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 10, 2024

RJ