



2024:DHC:6806



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

+ **ARB.P. 1355/2024**

**M/S WORLD INFRACONS
PRIVATE LIMITED**

.....Petitioner

Through: Mr. Sanyam Saxena and Mr.
Nubair Alvi, Advs.

versus

**M/S SHUBH ADVISORS
PRIVATE LIMITED**

.....Respondent

Through: Mr. Rahul Malhotra, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

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03.09.2024

I.A. 38174/2024 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

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3. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996¹, seeking reference of the dispute between the parties to arbitration.
4. Mr. Rahul Malhotra, learned Counsel for the respondent fairly agrees to reference of the dispute to arbitration reserving his rights to

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the 1996 Act", hereinafter

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raise all contention and counter claims before the arbitrator including challenges to the arbitrability of the dispute, if any.

5. The dispute arises in the context of Collaboration-cum-Development Agreement dated 31 July 2020 read with addendum dated 15 January 2021 executed between the petitioner and the respondent. The agreement envisages resolution of dispute by arbitration. The relevant clause in the agreement reads as under:

“22. Arbitration

22.1 In the event any dispute arises between the Parties out of or in connection with this Agreement, including the validity thereof, the Parties hereto shall endeavor to settle such dispute amicably in the first instance. The attempt to bring about an amicable settlement shall be treated as having failed as soon as one of the Parties hereto, after reasonable attempts, which shall continue for not less than 15 (fifteen) days, gives a notice to this effect, to the other Party in writing.

22.2 In case of such failure, the dispute shall be referred to a sole Arbitrator, who shall be mutually appointed by the parties. The Arbitration proceedings shall be governed by the Arbitration and Conciliation Act, 1996 and shall be held on New Delhi, India. The language of arbitration shall be English. The arbitration award shall be final and binding on the Parties, and the Parties agree to be bound thereby and to act accordingly.”

6. The dispute having arisen between the parties, the petitioner, after issuing an initial demand notice, invoked arbitration by notice dated 21 August 2024 issued under Section 21 of the 1996 Act.

7. The respondent replied to the said notice, but did not condescend to the reference of the dispute to arbitration. The petitioner has therefore, approach this Court under Section 11(6) of the 1996 Act.

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8. The claim amount of the petitioner is stated to be in the reign of ₹40 Crores.
9. Accordingly, this court requests Hon'ble Ms. Justice Hima Kohli (Mob: 9871300036), a learned retired Judge of Supreme Court of India, to arbitrate on the disputes between the parties.
10. The arbitration shall take place under the aegis of the DIAC and shall abide by its rules and regulations.
11. The arbitrator shall be entitled to charge fees as per the schedule of fees maintained by the DIAC.
12. The learned arbitrator is also requested to file requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on the reference.
13. This Court has expressed no opinion on any aspect of the matter preliminary or on merit. All aspects shall remain open for argument before the learned arbitrator.
14. The petition stands allowed in the aforesaid terms.

C.HARI SHANKAR, J

SEPTEMBER 03, 2024/aky

[Click here to check corrigendum, if any](#)

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