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

+ **ARB.P. 12/2024**

AKANKSHA CONTRACTS PVT LTD Petitioner

Through: Mr. P.D. Gupta, Sr. Advocate with
Mr. Sahil Ahuja, Advocates.

versus

VSY LOGISTIC PARK LLP & ORS. Respondents

Through: Mr. R.V. Prashad and Mr. Abhinav
M. Goel, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.01.2024**

1. By the order dated 04.01.2024, it was observed as follows:

"1. By way of this petition, under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner seeks appointment of an arbitrator to adjudicate disputes arising between the parties under a Work Order dated 17.05.2022 [“the Agreement”]. The Agreement contains an arbitration clause in Clause B. By virtue of Clause C, Courts at New Delhi are vested with exclusive jurisdiction over the Agreement.

2. Disputes having arisen between the parties, the petitioner invoked arbitration by a communication dated 29.05.2023. Subsequent correspondence between the parties indicates that the respondents did not contest the arbitration clause, but the parties were unable to achieve consensus on the name of the arbitrator.

3. Issue notice. Notice may be served upon the respondents through learned counsel who has addressed the response dated 06.06.2023 to the petitioner’s communication invoking arbitration, by e-mail and telephonically in the course of the day. Learned counsel is requested to take instructions and assist the Court on the next date of hearing.

4. List on 05.01.2024.”

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2. Further to the order dated 04.01.2024, Mr. R.V. Prashad, learned counsel, enters appearance on behalf of the respondents and states upon instructions that an arbitrator may be appointed, without prejudice to the rights and contentions of the parties on merits.

3. Having regard to the aforesaid submissions, and to the fact that the existence of an arbitration agreement and invocation thereof are undisputed, the parties are referred to arbitration of Mr. Pradeep Chaddah, former District Judge (Tel No: 9910384665).

4. With the consent of learned counsel for the parties, it is directed that the arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi ["DIAC"], and will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

5. If the respondent has counter claims, those may also be placed before the learned arbitrator in accordance with law.

6. It is made clear that this Court has not adjudicated the rights and contentions of the parties on merits, which are reserved for adjudication before the learned Arbitrator.

7. The petition is disposed of with these directions.

PRATEEK JALAN, J

JANUARY 5, 2024

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