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

+ ARB.P. 32/2024

KAMINI JAIN PROPRIETOR OF J RAHUL SERVICES

.....Petitioner

Through: None

versus

M/S. EMAAR INDIA LIMITED WAS KNOWN AS

M/S EMAAR MGF LAND LTD.

.....Respondent

Through: Mr Mehul Parth and Ms Harshita
Malik, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

28.08.2024

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1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties.
2. The brief facts are that the petitioner and the respondent entered into a Master Services Agreement dated 16.03.2017.
3. Since there were disputes, the petitioner instituted pre-institution mediation which was declared as “Non-Starter”.
4. The petitioner filed a civil suit for recovery but since there was an arbitration clause, the learned District Judge (Commercial Court), North Rohini, Delhi was pleased to dispose of the suit on 21.11.2022 directing the parties to initiate arbitration.
5. Consequently, a legal notice dated 13.03.2023 was issued under Section 21 of the Arbitration and Conciliation Act, 1996.
6. The parties were referred to mediation but there has been no settlement. Ms Malik, learned counsel appears for the respondent and states



that mediation has not been successful.

7. The respondent has not filed any reply.

8. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-

- i) Mr. Shashwat Bajpai, Advocate (Mob. No. 9811208936) 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/counter-claims and 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

AUGUST 28, 2024/sr [Click here to check corrigendum, if any](#)