



2024:DHC:8305



\$~66

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision : 22.10.2024

+

ARB.P. 1398/2024**LUMINOUS POWER TECHNOLOGIES PRIVATE LIMITED**

.....Petitioner

Through: Mr. Aruj Dhingra and Mr. Himanshu
Kr. Balajee, Advs.

versus

SIS LIMITED

.....Respondent

Through: Mr. Anupam Kishore Sinha, Mr.
Praeep K. Tiwar, Mr. Apoorv Jha and
Mr. Sahitya Srivastava, Advs.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)**

1. The present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeks constitution of an Arbitral Tribunal in accordance with the arbitration clause, incorporated in Clause-17 of the Manpower Supply Agreement dated 11.07.2023. The Arbitration Clause is in the following terms:

“Arbitration:

Any dispute, controversy or claim between the Parties hereto arising out of the or in connection with this Agreement including any question regarding its existence, validity, interpretation, breach or termination, or any default of any obligation hereunder (“Dispute”) either during or after the Term, hereof, shall be settled amicably by the Parties within 15 (fifteen) days of the receipt of the notice of the existence of a Dispute. In the event any Dispute cannot be resolved within 15 (fifteen) days from notice of the Dispute, either Party may refer the Dispute to be finally settled



2024:DHC:8305



by arbitration in accordance with the Indian Arbitration and Conciliation Act, 1996 and the rules framed hereunder. The Arbitration proceedings shall be conducted by a sole arbitrator mutually appointed by the Parties. The venue and seat of arbitration shall be New Delhi and the arbitration proceedings shall be conducted in the English language.

2. Disputes having arisen between the parties, an invocation notice dated 05.04.2024 was sent by the petitioner to the respondent. Vide the said notice, the petitioner proposed names of certain persons for appointment as sole arbitrator. However, the parties failed to arrive at a mutual agreement of the disputes. Hence, the present petition has been filed.
3. Since the existence of arbitration is not disputed by learned counsel for the respondent, he accedes that an independent Sole Arbitrator be appointed by this Court.
4. Accordingly, with the consent of the parties, Ms. Kadambari, Advocate (Mob. No.: +91 9811111892) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
5. The parties shall be at liberty to raise their claims/counter-claims before the learned sole arbitrator which shall be duly considered in accordance with law.
6. It is further agreed between the parties that the arbitration shall be conducted under the aegis of, and as per rules of the Delhi International Arbitration Centre (DIAC). It is ordered accordingly. Let a copy of this order be communicated to the Organizer, DIAC.
7. The learned Sole Arbitrator may proceed with the arbitration proceedings subject to furnishing to the parties requisite disclosure as required under Section 12 of the A&C Act.



2024:DHC:8305



8. Nothing in this order shall be construed as an expression of opinion on the merits of the respective contentions/claims of the parties.
9. The petition is disposed of in the above terms.

SACHIN DATTA, J

OCTOBER 22, 2024/cl