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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1409/2024

ZIMMER INDIA PVT LTD

.....Petitioner

Through: Mr. Jitesh Pandey, Ms. Kirti
Mewar & Ms. Kriti Sharma,
Advocates.[M:-7204073750]

versus

RENATUS MEDICALS

.....Respondent

Through: Ms. K. Aparna Devi, Advocates.
[M:- 9444012847]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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19.09.2024

1. By way of this petition under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], the petitioner seeks appointment of an arbitrator to adjudicate disputes between the parties under a Distribution Agreement dated 27.12.2019 [“the Agreement”].
2. The Agreement contains an arbitration clause [Clause 22] which provides for resolution of disputes by arbitration of a sole arbitrator to be mutually appointed by the parties, failing which by a three-member tribunal. The arbitration is to be held in New Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration by a letter dated 24.08.2022. In its response dated 29.08.2022, the respondent contended that no attempt at pre-arbitration settlement had taken place and also sought to assert certain claims against the petitioner.
4. Pursuant to notice issued on 10.09.2024, Ms. K. Aparna Devi, learned counsel, appears on behalf of the respondent and submits that the respondent would like to make an attempt to settle the matter with the



petitioner. She further submits that existence of the arbitration clause is undisputed and in the event the disputes are not settled, the parties may be referred to arbitration.

5. Having regard to the above, and with the consent of learned counsel for the parties, the petition is disposed of with the following directions:-

- a. The disputes between the parties are referred to arbitration of Ms. Anita Sahani, Advocate [Tel: 9810113256].
- b. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi [“DIAC”].
- c. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.
- d. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
- e. DIAC is requested to defer the proceedings for a period of eight weeks from today, to enable the parties to settle their disputes. In the event the parties jointly request a further deferment, DIAC may grant the same. Otherwise, the learned Arbitrator is requested to enter into the reference after the lapse of a period of eight weeks, upon the request of either party.
- f. It is made clear that all claims and counter-claims will be adjudicated by the learned Arbitrator.

PRATEEK JALAN, J

SEPTEMBER 19, 2024/‘pv’/