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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 100/2024 and I.A. 1752/2024

M/S NEW DELHI TYRE HOUSE

..... Petitioner

Through: Mr. Rajeev Saxena & Mr. R. K. Bedi,
Advs. (M. 8527172995)

versus

**M/S FAST TRACK AUTO CARE INDIA PVT
LTD**

..... Respondent

Through: Mr. Shailender Verma & Mr. Subhash
Chandra Gupta, Advs. (M:
9811121653)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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03.04.2024

1. This hearing has been done through hybrid mode.
2. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, '*the Act*') seeking reference of disputes to arbitration. The dispute in the present matter arises out of a Purchase Agreement dated 30th April, 2018 between the Petitioner and the Respondent for supply of 'Mobil' Brand of Engine Oils and other allied products for a period of three years.
3. The dispute is that there is non-compliance of the agreement and failure of the Respondent to achieve the target purchase, despite extension of the credit period. The Petitioner initially sent a notice dated 30th July, 2020 seeking payment of Rs. 55,55,230/-. As on date, the closing balance is stated to be Rs. 33,13,093/-. The Petitioner is seeking recovery of the same. A notice dated 19th July, 2023 was issued by the Petitioner and arbitration was invoked.



However, no reply was received from the Respondent.

4. Notice was issued in this petition on 24th January, 2024. Ld. Counsel for the Respondent has appeared in the matter. Both parties are willing to undertake arbitration under the aegis of Delhi International Arbitration Centre (*'DIAC'*). Arbitration clause in this petition reads as under:

“15 ARBITRATION

15.1 All disputes arising out of or in connection with this agreement shall be finally settled through one or more mutually agreed upon arbitrators”

5. Ld. Counsel for the parties submit that the Court may appoint an Arbitrator and the matter may be referred to the DIAC. Accordingly, **Mr. Kunal Tandon, Adv. (M: 9818442226)** is appointed as the Arbitrator under the aegis of DIAC. The fee of the Id. Arbitrator shall be paid in terms of the Fourth Schedule under the Act as amended by DIAC Rules, 2023.

6. List before the DIAC on 23rd April, 2024.

7. Let a copy of the present order be emailed to Secretary, DIAC on email id- delhiarbitrationcentre@gmail.com.

8. Accordingly, the petition is disposed of.

9. The contentions raised in the ***I.A. 1752/2024*** under Section 9 of the Act, with respect to deposit of an amount of Rs.55,55,230/-, shall be dealt before the Id. Arbitrator.

PRATHIBA M. SINGH, J.

APRIL 3, 2024/dk/bh