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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 299/2024

SHUBHAM DALMIA

.....Petitioner

Through: Mr. VK Raina, Adv.

versus

UCONCEPTS SOLUTIONS LLP

.....Respondent

Through: Mr. Keshav Kumar Srivastava, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

23.08.2024

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1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties arising out of the Franchise Agreement dated 02.03.2022.
2. The Franchise Agreement dated 02.03.2022 contains an arbitration clause being clause No. 30.5 which reads as under:-

“30.5 Arbitration: Any and all disputes ("Disputes") arising out of or in relation to or in connection with this Agreement between the Parties or relating to the performance or non-performance of the rights and obligations set forth herein or the breach, termination, invalidity or interpretation thereof shall be referred for arbitration at New Delhi, India in accordance with the terms of Indian Arbitration and



Conciliation Act, 1996 or any amendments thereof. The place of arbitration shall be New Delhi. The language used in the arbitral proceedings shall be English. Arbitration shall be conducted by a sole arbitrator, who shall be appointed by the Franchisor only. The arbitral award shall be in writing and shall be final and binding on each party and shall be enforceable in any court of competent jurisdiction.”

3. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 01.07.2023.
4. Mr. Srivastava, learned counsel appears on behalf of the respondent and has no objection to the petition being allowed.
5. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Ms. Chand Chopra, Advocate (Mob. No. 9915907494) 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.
6. The petition is disposed of in the aforesaid terms.

AUGUST 23, 2024 / (MS)

JASMEET SINGH, J

Click here to check corrigendum, if any