



2024:DHC:8369



\$~59

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

%

Date of decision: 22.10.2024+ **ARB.P. 1688/2024**

ABDUL WASEEM & ANR.

.....Petitioners

Through: Mr. Rohit Gandai and Ms. Akshita
Nigam, Advs.

versus

OVERCARE MARKETS LLP & ORS.

.....Respondents

Through: Mr. Vasu Goyal, Adv. (through v/c)

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)****IA No.42856/2024 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

ARB.P. 1688/2024

3. The present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'A&C Act') seeks constitution of an Arbitral Tribunal in terms of an arbitration clause contained in an Limited Liability Partnership Deed (hereinafter referred as 'LLP deed') dated 28.07.2017, executed between the parties. The Arbitration Clause in the said LLP Deed, is in the following terms:

"43. All disputes between the Partners or between the Partner and the LLP arising out of the limited liability partnership agreement which cannot be resolved in terms of this agreement shall be referred for arbitration as per the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996)."

4. Disputes having arisen between the parties, an arbitration notice dated



2024:DHC:8369



18.07.2024 was issued by the petitioner to the respondents. However, the parties failed to mutually agree upon a Sole Arbitrator. Hence, the present petition has been filed.

5. Learned counsel for the respondents, while strongly refuting the contentions of the petitioner on the merits of the matter, does not dispute the existence of the arbitration agreement. He accedes to the appointment of a Sole Arbitrator by this Court to adjudicate the disputes between the parties.

6. Accordingly, with the consent of the parties, Ms. Suruchi Suri, Advocate (Mob. No.: +91 9810255518) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

7. The parties shall be at liberty to raise their respective claims/counter-claims which shall be duly considered by the learned sole arbitrator in accordance with law.

8. 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.

9. The parties shall share the arbitrator's fee and arbitral costs, equally.

10. 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.

11. Nothing in this order shall be construed as an expression of opinion of this Court on the merits of the controversy between the parties.

12. The petition is disposed of in the above terms.

SACHIN DATTA, J

OCTOBER 8, 2024/cl