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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1695/2024 & I.A. 43028/2024

MOONWALK INFRA PROJECTS PVT LTDPetitioner

Through: Mr. Rajeev Kumar, Advocate.

versus

OTTOMAN TUBES PRIVATE LIMITEDRespondent

Through: Mr. Vibhu Anshuman and Mr.
Prateek Srivastav, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

18.12.2024

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1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 by the Petitioner seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the Parties under a Purchase Order for supply of pre-engineer building system.

2. The Governing law clause of the Purchase Order contains arbitration clause which reads as under:

"This Agreement shall be construed and enforced in accordance with and under the laws of the Government of India. Both parties agree that in case of any difference or dispute arising between the Moon walk Infracprojects Pvt Ltd and the BUYER will be resolved by mutual discussions and agreement. However, unresolved issues, if any will be settled by arbitration as per the India Arbitration and Conciliation Act, and the venue of arbitration will be Delhi, India. Further, for any change in the venue of arbitration, Buyer needs to ensure that Moon walk Infracprojects Pvt Limited has



accepted the same in writing that too explicitly mentioning the same clearly. In case, if it is not available then the venue of arbitration shall remain New Delhi only.”

3. In view of the fact that disputes have arisen between the parties and the Purchase Order contains an arbitration clause, this Court is inclined to refer the matter to the DIAC to appoint an Arbitrator to adjudicate upon the disputes between the parties.
4. Accordingly, the Delhi International Arbitration Centre (DIAC) is requested to appoint an Arbitrator to adjudicate upon the disputes between the Parties.
5. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.
6. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on reference.
7. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.
8. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.
9. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 18, 2024/S. Zakir