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

+ **ARB.P. 1699/2024 & I.A. 43039/2024**

KATHURIA HOSPITALITY PVT. LTD.Petitioner

Through: **Mr. Dhruv Varma and Mr. Sagar Chauhan, Advocates.**

versus

SUKRITI SINGHRespondent

Through:

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
17.12.2024

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1. The present petition has been filed under Section 11 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 the Memorandum of Understanding dated 29.06.2020.

2. The facts of the case reveals that the Petitioner invested Rs.1,00,00,000/- in the Respondent's brand – NYC.PIE. It is stated that as per the MoU, the Respondent had the full right to use the brand NYC.PIE during the period of the MoU and after the expiry of the MoU, the Respondent had to make payments to the Petitioner for the usage of the brand NYC.PIE. Disputes have arisen between the parties due to failure of the Respondent to pay the Petitioner. It is stated that a demand notice dated 15.03.2023 was sent by the Petitioner to the Respondent. However, the said notice was not responded to by the Petitioner. It is stated that, thereafter, the Petitioner herein sent a Notice dated 28.03.2023 under Section 21 of the



Arbitration Act invoking Arbitration Clause. It is stated that the Respondent has responded to the said Notice by stating that the invocation of arbitration clause is premature.

3. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the MoU, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.

4. Accordingly, Dr. Amit George, Advocate, (Mobile No.: 9910524364) is appointed as 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 17, 2024

Rahul