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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1868/2024 & I.A. 46245/2024 I.A. 46246/2024**
KUNAL YADAVPetitioner

Through: Mr. Atul Tripathi, Adv.

versus

SHRI VISHWAJEET YADAV & ORS.Respondents
Through: Mr. Uday Singh, Adv. for R-1 and R-2
Mr. Rishav Dubey and Mr. Amresh Kr. Jha, Adv. for R-3

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **27.11.2024**

I.A. 46245/2024

Allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

I.A. 46246/2024(under Section 151 of CPC, 1908)

1. This is an application under Section 151 of the Code of Civil Procedure, 1908 seeking condonation of delay of 12 days in re-filing the petition.

2.

ARB.P. 1868/2024

3. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('Act of 1996'), filed by the Petitioner, seeking



appointment of a Sole Arbitrator for the adjudication of the disputes between the parties arising out of the Partnership Deed dated 03.02.2018 executed between the parties.

4. Mr. Uday Singh, Advocate has entered appearance on behalf of Respondent Nos. 1 and 2 on advance service.

5. Mr. Rishav Dubey, Advocate has entered appearance on behalf of Respondent No. 3 on advance service.

6. It is stated that the Arbitration Clause i.e., Clause 17 of the Partnership Deed provides that the disputes between the parties shall be referred to arbitration. The Clause 17 reads as under: -

“17. That all disputes between the parties here to in connection with and relation to the partnership business and affairs shall be referred to and decided by the arbitration in accordance with the terms of the Arbitration and Conciliation Act, 1996 or any statutory modifications thereof for the time being in force.”

7. Learned counsels for Respondent nos. 1, 2 and 3 state that they will file their vakalatnama within one (1) week. They state on instructions that they have no objection to the relief sought in this petition for appointment of an Arbitrator under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi (‘DIAC’).

8. In case, vakalatnama is not filed, the matter will be placed by the registry before the learned Joint Registrar.

9. Learned counsel for the Petitioner claims state that the value of claims is approximately Rs. 2-3 crores and he pray that a retired Additional District Judge may be appointed as the Sole Arbitrator.

10. This Court is, therefore, of the view that the Petitioner has made out a case for appointment of an arbitrator, and all rights and contentions of the



parties on merits may be left open for adjudication by the learned Arbitrator.

11. Accordingly, Mr. Padam Kant Saxena, ADJ (Retd.) (M.No. 9910384668) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

12. It is further agreed between the parties that the arbitration will be held under the aegis of DIAC and will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.

13. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act of 1996, prior to entering upon the reference.

14. It is made clear that this Court has not adjudicated the rights and contentions of the parties on merits, which are reserved for adjudication by the learned Arbitrator.

15. It is further agreed between the parties that the arbitration shall be conducted under the aegis of DIAC and as per rules of the DIAC. It is ordered accordingly.

16. With the aforesaid direction, the petition stands allowed and disposed of.

17. The parties are directed to appear before the learned Arbitrator for preliminary hearing on **24.12.2024**.

18. The registry is directed to send a copy of this order to DIAC as well as the Sole Arbitrator for necessary action.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 27, 2024/hp/MG