



\$~66

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

+ **ARB.P. 72/2025 & I.A. 681/2025**

DIGITAL RADIO (DELHI) BROADCASTING LTD.Petitioner

Through: Mr. Abhishek Malhotra, Sr. Advocate
with Ms. Sonal Chhablani, Mr.
Yashwardhan Singh, Advocates.

versus

**DELHI TOURISM AND TRANSPORTATION DEVELOPMENT
CORPORATION LTD.Respondent**

Through: Ms. Anshula L. Bakhru, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

21.01.2025

%

1. This Petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties under the Agreement dated 04.08.2022 for the purpose of organizing an event to commemorate the 75th Year of Independence.

2. Material on record indicates that disputes have arisen between the parties regarding payment for the services as provided by the Petitioner. It is stated that a legal notice dated 26.09.2024 was sent by the Petitioner demanding payment of Rs.2,83,20,000/- which includes GST. It is stated that the payment was not made by the Respondent.

3. Since the payment was not made as claimed under legal notice dated 26.09.2024, a notice invoking arbitration was sent by the Petitioner on



15.11.2024 to the Respondent. The Petitioner has thereafter approached this Court for appointment of an arbitrator to adjudicate on the disputes which have arisen between the parties.

4. Reply has been filed *vide* Diary No.428642/2025. However, the same is not on record. However, a physical copy of the said reply is handed over to the Court today.

5. In reply, learned Counsel for the Respondent states that an unsigned copy of the Arbitration Agreement has been filed. The Respondent has not raised any contention regarding the existence of an Arbitration Clause in the reply. However, the Respondent disputes the existence of an Arbitration Clause.

6. In view of the fact that there are disputes between the parties, this Court is inclined to appoint Mr. Shashank Garg, Senior Advocate, (Mob No.9811526671) as the Sole Arbitrator to adjudicate upon the disputes between the parties.

7. 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.

8. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act within two weeks of entering on reference.

9. 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. This Court is not commenting anything on the contentions raised by the Respondent regarding the



arbitrability of the disputes.

10. 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.

11. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JANUARY 21, 2025

RJ