



\$~28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 153/2025**
REFOP INDIA COMPANY

.....Petitioner

Through: Mr. Deepak Jaiswal, Adv.

versus

DAFFODIL ACCORD TRADERS PVT LTD & ANR.

.....Respondent

Through: None

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
25.03.2025

%

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties.
2. The petitioner and the respondent entered into a Franchise Agreement dated 09.12.2019 to market and sell the products of the petitioner.
3. The said agreement contains the arbitration clause being clause 25.2 which reads as under:-

“25.2 Any dispute arising from or in connection with this franchise Agreement shall be referred to and finally resolved by Arbitration by a sole Arbitrator nominated by Managing Director of the Franchisor. The Arbitration proceedings shall be governed by the Indian Arbitration and Conciliation Act, 1996 or any statute, amendment or re-enactment thereof. The place and venue of Arbitration shall be at New Delhi. The language of the arbitration shall be English.”



4. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 06.09.2024 and thereafter filed the present petition.
5. On the first date of hearing i.e. 22.01.2025, the respondents were represented through counsel and thereafter, there has been no appearance.
6. There is nobody appearing on behalf of the respondents even today.
7. The copy of the petition was served on the respondent at email ID: kol_ajay@yahoo.com.
8. The learned counsel for the petitioner has handed over an email dated 14.03.2023, wherein the respondent has addressed an email to the petitioner from the aforesaid email ID.
9. For the said reasons, I am satisfied that the respondent has been served.
10. Despite service, there is nobody appearing on behalf of the respondent. I am also satisfied that there are disputes between the parties which are pending.
11. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Ms. Sapna Chauhan, (Adv.) (Mob. No. 9811264265/7840020100) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
 - iii) The remuneration of the learned Arbitrator shall be in terms of



DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

- iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
 - v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
 - vi) The parties shall approach the learned Arbitrator within two weeks from today.
12. The present petition is disposed of in the aforesaid terms.
13. Copy of email handed over in Court taken on record.

JASMEET SINGH, J

MARCH 25, 2025 (MS)

Click here to check corrigendum, if any