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

+ **ARB.P. 217/2025**

BENETTON INDIA PVT LTD

.....Petitioner

Through: **Mr. Vinam Gupta and Ms. Pragya
Narayan, Advocates.**

versus

MIS ETHIX CLOTHING

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.03.2025

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1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the petitioner had entered into a Distribution Agreement dated 01.02.2012 with the respondent. It is stated that Clause 10(j) of the said agreement provides that disputes with respect to the subject agreement shall be resolved through arbitration. It further provides for the place of arbitration to be at New Delhi.
3. The petition is accompanied by a notice dated 03.12.2024 under Section 21 of the A&C Act vide which the petitioner has invoked arbitration.
4. The notice of the instant petition was issued to the respondent on 30.01.2025.
5. Learned counsel for the petitioner states that the respondent has been



served through speed post, courier and email, the latter did not bounce back. He states that in this regard, an affidavit of service has been filed alongwith tracking report, which reflects that the respondent has been served through speed post on 20.02.2025, through courier on 21.02.2025 and vide email on 03.03.2025. Accordingly, the respondent is held to be served. However, neither is the respondent represented today, nor any reply has been filed on its behalf. It appears that respondent has no objection to reference of the matter to arbitration.

6. Considering the aforesaid facts, it appears that the respondent has no objection to refer the dispute to Arbitration.

7. In view of the aforesaid facts and circumstances, the petition is disposed of with the following directions:

- i) The disputes between the parties under the said agreement are referred to the Arbitral Tribunal.
- ii) Mr. Justice Chandra Shekhar, former Judge at High Court of Delhi (Mob: 9910384650) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
- iii) 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').
- iv) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
- v) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.
- vi) It is made clear that all the rights and contentions of the parties,



including on the existence and validity of the Arbitration agreement, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by either of the parties, are left open for adjudication by the learned arbitrator.

- vii) The parties shall approach the learned Arbitrator within two weeks from today.

MANOJ KUMAR OHRI, J

MARCH 11, 2025/rd