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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 321/2025

MS EMENOX HEALTHCARE

.....Petitioner

Through: Mr. Neeraj Kumar Singh, Adv.

versus

MS SAPNA PHARMACEUTICALS PVT LTD

.....Respondent

Through: Mr. Sanchit Garga, Mr. Shashwat
Jaiswal, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

26.03.2025

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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 Distributorship Agreement dated 28.05.2014, wherein the petitioner was the manufacturer and the respondent was a distributor.
3. The said Agreement contained arbitration clause being clause No. 21 which reads as under:-

“21 Arbitration

Any dispute or claim arising out of or relating to this agreement shall be resolved amicably between the parties first. In case the parties fails to do so, then all or any such disputes, controversies, interpretation, compliance, differences arising between the parties hereto out of or in relation to this



agreement or any breach thereof shall be finally settled through Arbitration by a sole arbitrator, appointed by the Company. The arbitration shall be conducted in accordance with & governed by the provisions of the Arbitration & Conciliation Act, 1996 & shall be held in Delhi & English language shall be used in arbitral proceeding. The parties agree that the decision of the arbitration proceeding shall be final & binding upon the parties, subject to applicable laws.

4. As the respondent failed to remit the payment periodically as agreed between the parties, the petitioner invoked arbitration *vide* legal notice dated 08.11.2024. Thereafter the present petition was filed.
5. Mr. Jaiswal, learned counsel appears for the respondent and has no objection if the present petition is allowed as long as claims/counter-claims and all contentions of the respondent are left open.
6. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Ms. Manisha Singh (Advocate) (Mob. No. 9811941496) 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.
7. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

MARCH 26, 2025 / (MS)

Click here to check corrigendum, if any