



\$~76

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I)(COMM.) 55/2025, I.A. 4277/2025, I.A. 4278/2025
WINDOW TECHS INDIA PRIVATE LIMITED.....Petitioner

Through: Mr. Divjot Singh Bhatia, Mr. Aman
Singh Bakshi, Mr. Shreesh Chadha
and Mr. Shaurya Aggarwal,
Advocates.

versus

MARUBENI INDIA PVT. LTD.Respondent

Through: Mr. Pundrikaksh Mitkuka and Mr.
Abhi Uday Singh Gautam, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

19.02.2025

1. This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks interim directions.
2. Learned counsel for the petitioner submits that the parties had entered into Purchase Order dated 18.11.2024. Clause 37 of the said Purchase Order thereof stipulates resolution of disputes through arbitration as governed under the A&C Act and further provides for the place of Arbitration to be New Delhi.
3. Learned counsel appearing for the respondents do not dispute either the Purchase Order or the jurisdiction of this Court.
4. Learned counsels for the parties, on instructions, submit that subject Purchase Order not being denied, the disputes arising in the context of the subject Purchase Order be referred to the Arbitral Tribunal comprising of a Sole Arbitrator and the present petition itself be treated as an application



under Section 17 of the A&C Act.

6. In view thereof, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the said Agreements are referred to the Arbitral Tribunal. The present application be treated as one under Section 17 of the A & C Act.
- ii) Mr. Abhikalp Pratap Singh, Advocate (Enrol mo. D/1006/2013, Mob. 9999770795, Email: abhikalp@outlook.com) 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'). 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.
- iv) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.
- v) 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.
- vi) The parties shall approach the learned Arbitrator within one week from today.

MANOJ KUMAR OHRI, J

FEBRUARY 19, 2025/ga