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

+ **ARB.P. 253/2024**

HIMANSHU JAIN

.....Petitioner

Through: Mr. Rajal Rai Dua, Mr. Rohan
Sharma, Advs.

versus

SHIV KUMAR SHARMA & ANR.

.....Respondents

Through: Mr. MC Kochhar, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

17.03.2025

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1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties arising out of the Partnership Deed dated 01.06.2022.

2. The arbitration clause is clause no. 19 of the said agreement and the same reads as under:

“19. That in case of any dispute between the parties hereto with regard to the matters relating to the partnership firm the same shall be referred to a sole arbitrator mutually agreed upon by the parties hereto, at that time according to and subject to the provisions of the Indian Arbitrator Act 1940 with the modification therein from time to time.”



3. The facts are that a partnership firm was constituted being M/s Applied Communication and Controls, consisting of petitioner and respondent No. 1 as partners wherein the petitioner held 51% shares and respondent No. 1 held 49% shares, for running the business of manufacturing of all kinds of Telecom equipment and surveillances equipment spare parts and accessories of such items and other ancillary supplies. Further, the parties also entered into an agreement for dissolution of Partnership Deed on 03.07.2023.

4. However, since the disputes were subsisting between the parties, the petitioner invoked arbitration in terms of clause no. 19 *vide* legal notice dated 09.02.2024.

5. Hence, the present petition has been filed.

6. The parties were also referred to mediation vide order dated 14.05.2024.

7. Mr. Kochhar, learned counsel appears for the respondent and has no objection to present petition being allowed, provided all legal submissions of the respondents are left open.

8. For the said reasons, the petition is allowed and the following directions are issued:-

- i) Mr. K.K. Bhuchar (Adv.) (Mob. No. 9312228630) 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.
9. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

MARCH 17, 2025/DM

[Click here to check corrigendum, if any](#)