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

+ **ARB.P. 286/2024**

ZENITH DANCE INSTITUTE PVT LTD

.....Petitioner

Through: Mr. Harsh Sinha, Advocate.

versus

YASHIKA KESWANI

.....Respondent

Through: Ms. Meghna Mukherjee and Ms.
Hardikaa Kalia, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

30.04.2025

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1. This petition is preferred on behalf of the Petitioner under Section 11(6) of Arbitration and Conciliation Act, 1996 ('1996 Act') for appointment of an Arbitrator to adjudicate the disputes between the parties arising out of Contract dated 22.03.2021, whereby Respondent was retained as Business Associate for three years.
2. Reply has been filed on behalf of the Respondent, wherein existence of arbitration agreement is denied. Additionally, a categorical stand is taken that Respondent did not receive any notice under Section 21 of 1996 Act invoking the alleged Arbitration Agreement and the averment in the petition that notice was sent on 25.03.2023 is false and an afterthought. It is submitted that in the absence of a notice under Section 21 of 1996 Act being received by the Respondent, arbitral proceedings cannot commence and therefore, this petition deserves to be dismissed.



3. Learned counsel for the Petitioner fairly submits that a notice was sent to the Respondent under Section 21 of 1996 Act but the tracking report does indicate that the same was returned back as ‘undelivered’. In this light, on instructions, counsel seeks to withdraw this petition with liberty to issue a fresh notice under Section 21 of 1996 Act.

4. Accordingly, without entering into the merits of the case, this petition is disposed of as withdrawn with liberty to the Petitioner to take recourse to requisite steps under the 1996 Act for invoking arbitration. It is also made clear that this Court has not entered into the dispute of existence of an Arbitration Agreement between the parties.

JYOTI SINGH, J

APRIL 30, 2025
S.Sharma