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

+ **ARB.P. 379/2025**

ENERGY EFFICIENCY SERVICES LIMITED

.....Petitioner

Through: Appearance not given

versus

NATIONAL FEDERATION OF FARMERS PROCUREMENT

PROCESING AND RETAILING COOPRATIVE OF INDIA LTD.

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **28.07.2025**

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 arising out of agreements dated 13.09.2017 and 15.02.2019.
2. On 03.04.2025, the respondent was granted 4 weeks to file a reply. Neither any reply has been filed nor there is anybody appearing on behalf of the respondent. Hence, the petition is taken up for hearing.
3. The petitioner and respondent entered into two Agreements dated 13.09.2017 and 15.02.2019, wherein the respondent was required to distribute LED Bulbs, Tube Lights, Energy Efficient Fans and collect Costs from customers in cash. The respondent was required to deposit



the money collected from the consumers in the designated bank account of the petitioner within T+ 9 days, wherein T was the actual date of Sale Transaction.

4. Despite numerous reminders, the respondent failed to perform its obligations.
5. The agreements contain an arbitration clause being Clause no. 12, which reads as under :

“12. Settlement of disputes and Jurisdiction

12.1 if at any time, any dispute or difference arises out of or relates to this agreement whether during the term of the agreement or any time thereafter, and such dispute or difference cannot be resolved by the parties hereto amicably, within thirty (30) calendar days, the same shall be referred to arbitration.

12.2 The arbitration shall be held in accordance with the provisions of the Arbitration Conciliation Act (A&C A), 1996 and its subsequent amendments. Any disputes arising out of or in connection with this agreement shall be resolved by arbitration in accordance with A&C A, 1996 and its subsequent amendments. The Tribunal shall consist of a sole arbitrator to be appointed through mutual consent. The sole arbitrator shall be a person of eminence and should be a retired High Court Judge.

12.3 Unless otherwise agreed by the parties or decided by the arbitrators the venue of arbitration shall be Delhi or Noida.

12.4 Both the parties agree that the courts in New Delhi shall have exclusive Jurisdiction to try the disputes under this Agreement.”

6. Since the respondent defaulted in making the payments, the petitioner



invoked arbitration *vide* Legal Notice dated 08.12.2023 and thereafter, filed the present petition.

7. I am satisfied that there is a valid arbitration clause and also there are disputes pending between the parties which need to be adjudicated through arbitral mechanism.
8. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Mr. Jaspreet Singh Kapur, Advocate (Mob. No. 9650145159) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) The arbitration will be held under the aegis and rules 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 petitioner shall approach the learned Arbitrator within



two weeks from today.

9. The present petition is disposed of in the aforesaid terms.

JULY 28, 2025/AS/sp

JASMEET SINGH, J