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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 597/2025**
RISHAB GUPTA

.....Petitioner

Through: Mr. Hemant Gupta, Adv.

versus

SUN INDUSTRIES & ORS.

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
10.07.2025

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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 to adjudicate the disputes between the parties arising out of invoices for supply of trading and packaging material from 03.03.2023 to 08.08.2023.

2. The petitioner supplied boards and papers to the respondent No. 1 and raised various invoices. The said invoices contained arbitration clause being Clause No. 2 which reads as under:-

"2. In case of any dispute including dispute of non-payment of pending bill against supply of Goods, the same shall be referred to the "Paper Merchant Association (Regd.) Delhi" for sole arbitration and the judgment given by the Arbitrator (s) appointed by Executive Committee shall be final and binding on both the parties."

3. The respondent No. 1 is the partnership firm and respondent Nos. 2 to 5 are the partners.



4. Since there were disputes between the parties, the petitioner invoked the Arbitration *vide* the legal Notice dated 07.01.2025.

5. The respondent Nos. 2 to 5 being partners of respondent No. 1 and are also liable for the claims of respondent No. 1.

6. All the respondents have been served. Despite service, there is nobody appearing on behalf of the respondents.

7. I am satisfied that there are disputes between the parties and there is a valid and subsisting arbitration clause.

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

- i) Mr. Justice V.K. Jain, (Retd.) (Mob. No. 9650116555) 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 parties shall approach the learned Arbitrator within two weeks from today.
9. The present petition is disposed of in the aforesaid terms.

JULY 10, 2025 / (MS)

JASMEET SINGH, J