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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 613/2025**

M/S SWASTIK EXPORTS

.....Petitioner

Through: Ms. Bhawna Nanda, Mr.Aman Gupta
and Mr.Ashish Kumar, Advocates

versus

M/S RAMESHWARI OVERSEAS PVT LTD

.....Respondent

Through: Mr.Chirag Madan, Advocate

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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21.05.2025

1. The present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ['Act of 1996'], has been filed by the Petitioner-Bank, seeking an appointment of an Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate the disputes between the parties arising out of Sales Contract(s) dated 09.04.2024 and 02.05.2024 ['the Agreements'] executed between the parties.
2. The Arbitration Agreement is contained in the Arbitration/Governing Laws Clause of the Agreements.
3. Since, disputes arose between the parties, the Petitioner invoked the Arbitration Agreement by notice dated 30.11.2024; however, the Respondent did not provide its consent for resolving the dispute through arbitration. Accordingly, the Petitioner was constrained to file the present petition.
4. Mr. Chirag Madan, Advocate enters appearance on behalf of the



respondent. He states that he will file his *vakalatnama* within one (1) week.

4.1. He states that there is no dispute with respect to the Sales Contract dated 09.04.2024 placed on record as Document No. 4 and the Sales Contract dated 02.05.2024 placed on record as Document No. 7 which is the Contract dated 02.05.2024.

4.2. He states that the Respondent has executed these Agreements and sent the same to the Petitioner via e mail. He states that though the said Agreements have been signed by the Respondent, they have not been signed by the Petitioner. He states however the Respondent has no objection if the parties are referred to Arbitration, without prejudice rights and contentions of the Respondent to defend the arbitration claim.

5. Mr. Aman Gupta, learned counsel for the Petitioner states that the Petitioner admits the existence of the Arbitration Agreement and in view of Section 7(4) of Act of 1996, a valid arbitration agreement also comes into existence by exchange of letters. He states that the value of the claim is approximately Rs.15,00,000/-. He states that the arbitration proceedings be conducted under the aegis of Delhi International Arbitration Centre ('DIAC') and as per the rules of DIAC.

6. This Court has heard the submissions of the parties. Since, the existence of the Arbitration Agreement between the parties is not disputed, Court deems it appropriate to appoint a Sole Arbitrator. Accordingly, Mr. Naveen Gupta, Advocate, [(D-503/1998), Mob. No. 9312248478, E-mail nngnaveengupta@yahoo.co.in] is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

7. The disputes between the parties under the said agreement are referred to the sole arbitral tribunal, with the following directions: -



- a) The arbitral proceedings will be held under the aegis of the DIAC. The arbitral proceedings will be governed by the rules of DIAC.
- b) The remuneration of the learned Arbitrator shall be in terms of Schedule IV of the Act of 1996, as amended by the Rules of DIAC.
- c) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act of 1996 before entering into the reference and in the event, there is any impediment to the appointment of on that count, the parties are given liberty to file an appropriate application in this Court.
- d) The parties are directed to appear before the learned Arbitrator for preliminary hearing on **15.07.2025 at 10:30 A.M.**
- e) The statement of claim will be filed within six (6) weeks.

8. It is clarified that all rights and contentions of the parties, including on maintainability/arbitrability of the claims and on merits, are left open for adjudication by the learned Arbitrator and nothing said in this order is an expression on the merits of the case.

9. Since the parties already have notice of this hearing, no fresh notice needs to be issued by the DIAC.

10. Copy of this order be communicated to the Secretary DIAC.

11. With the aforesaid directions, this petition stands disposed of.

12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MAY 21, 2025/SV/MG

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