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

+ **ARB.P. 578/2024**

GENEBIO HEALTHCARE PVT. LTD.Petitioner

Through: **Mr. Himanshu Bhushan and
Ms.Shagun Srivastava, Advocates**

versus

**DIRECTORATE GENERAL OF
HEALTH SERVICES**

.....Respondent

Through: **Mr. Tushar Sannu, Mr. Ilardik
Saxena, Advocates**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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13.02.2025

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks constitution of an Arbitral Tribunal to adjudicate upon the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Contract dated 28.03.2022, Clause 16.2 of GTC provides that disputes with respect to the Contract shall be resolved through arbitration as per provisions of A&C Act. It further provides for the seat of arbitration to be at New Delhi.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 30.08.2023, issued to the respondent under Section 21 of the A&C Act.



4. Learned counsel appearing for the respondent, on instructions, submits that the respondent has no objection to the matter being referred to arbitration.
5. Learned counsels for the parties, on instructions, submit that a sole Arbitrator be appointed instead of a panel of three as envisaged in the subject Contract.
6. Considering that both the parties have consented to the reference of their disputes to the Arbitral Tribunal, the present petition is disposed of with the following directions:
 - i) The disputes between the parties under the said agreement are referred to the Arbitral Tribunal.
 - ii) Ms. Nikita Kaushik, Advocate (Mob. No.9810510044) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
 - iii) 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'). The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
 - iv) The learned Arbitrator shall 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 on the existence and validity of the Arbitration agreement, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by 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.

MANOJ KUMAR OHRI, J

FEBRUARY 13, 2025/rd