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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 730/2024**
MR. RAM PRABHAKARPetitioner

Through: Mr. Kanwar Pal Singh, Adv.
petitioner-in-person
Ms. Nupur Kumar, Mr. Laksh
Kundlas, Mr. Ambuj Tiwari, Mr.
Arjun Nagrath, Advs.

versus

SH. SUSHIL KUMAR PRABHAKAR AND ORSRespondent
Through: Mr. Nishant Tanwar, Adv.
Mr. Sanjay Kumar Pathak, SC with
Mr. M.S. Akhtar, Mr. Mayank
Madhu, Mr. Sami Samez Sidique,
Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
26.03.2025

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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 memorandum of settlement dated 30.11.2011.
2. As per the settlement, the petitioner and the respondent No. 1 are siblings.
3. The disputes between the parties relate to a firm namely, M/ s. Sham Enterprises operating from Shop No. 27 at Prithvi Raj Market, opposite



Khan Market, New Delhi., wherein the petitioner was required to pay some monthly profit.

4. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 08.03.2022.
- 4.1 Thereafter, the present petition has been filed.
5. Mr. Tanwar, learned counsel appearing on behalf of the respondent has no objection if the matter is referred to arbitration, subject to leaving all his contentions as well as counter claims open to be adjudicated by the arbitrator.
6. The arbitral fee shall be paid by all the parties in proportion to their shareholding in M/S. Sham Enterprises.
7. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Mr. Abhimanyu Mahajan (Advocate) (Mob. No.9811103447) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) 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').
 - 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.
8. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

MARCH 26, 2025/sp

Click here to check corrigendum, if any