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

+ **ARB.P. 784/2024**

SNAP ON TOOLS PRIVATE LIMITED

.....Petitioner

Through: Ms. Vidhi Lalvani, Ms. Sharanya
Bhatnagar, Ms. Tanushree Ghosh,
Ms. Sharvani Shaini, Mr. Rakesh Kr.
Ojha, Advs.

versus

VENTUS AUTOCRAFT PVT LTD

.....Respondent

Through: Mr. Swapnil Kulkarni, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.02.2025

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Matter has been taken up today as 05.02.2025 was declared a holiday on account of the State Assembly Election in Delhi.

1. By way of present petition filed under Section 11 (4) & (6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks constitution of an Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Reseller Agreement dated 01.04.2022, Clause 16.3 of the same stipulates resolution of disputes through arbitration and further designates New Delhi to be the seat of arbitration.
3. Disputes having arisen between the parties, a notice invoking arbitration dated 08.01.2024/27.02.2024 was issued by the petitioner to the respondent under Section 21 of the A&C Act, to which response has been received on 09.03.2024.



4. Learned counsel for the respondent submits that though he has filed a reply, he has no objection to the reference of the disputes to a Sole Arbitrator, provided that all his contentions remain open to be urged before the arbitrator.

5. Considering the aforesaid, the 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. Urvi Kuthiala, Advocate (Mob: 9811099473) 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 A&C 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, 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.

6. Needless to state, while referring the parties to arbitration, this Court has not expressed any opinion on the merits of the case and all issues



pertaining to the claims/counterclaims are left open to be urged before the learned Arbitral Tribunal.

FEBRUARY 6, 2025/rd

MANOJ KUMAR OHRI, J