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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 804/2024**

SHOFU DENTAL INDIA PRIVATE LIMITEDPetitioner
Through: **Mr. Anil Kumar Chunduru, Advocate.**

versus

M/S MARK ONE TECHNOCOMS PVT. LTD.Respondent
Through: **Mr. Vikas Bhatia, Advocate.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
19.02.2025

1. By way of present petition filed under Section 11(5) & (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 of the petitioner submits that the disputes between the parties arise out of the Sub-License Agreement dated 10.05.2017 and Clause 12 of the same provides for provides that disputes arising between the parties shall be resolved by reference to arbitration. It further provides that place of arbitration would be at New Delhi.
3. It is informed that mediation efforts have not been successful at this stage. Learned counsel for the parties jointly pray that the parties be referred to the Arbitral Tribunal comprising of a Sole Arbitrator.
4. Considering that both the parties have consented to the reference 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 DIAC.
- ii) Accordingly, DIAC shall nominate the 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'). 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.
- iii) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) 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.
- v) The parties shall approach the learned Arbitrator within two weeks from today.

MANOJ KUMAR OHRI, J

FEBRUARY 19, 2025

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