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

+ **ARB.P. 855/2024**

M/S LITE BITE FOODS PVT. LTD.

.....Petitioner

Through: Ms. Pranati Bhatnagar, Ms Palak
Johnson, Advocates

versus

ALCHEMY WEB PVT. LTD. AND ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

28.02.2025

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1. This Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator as per the Clause 17 of the Master Service Agreement dated 01.10.2020 to adjudicate on the disputes which have arisen between the parties.

2. It is stated that under the said Agreement the Respondent herein was to provide services to the Petitioner in relation to the Web presence, marketing and other software solutions of the restaurants/ outlets owned and managed by the Petitioner. Clause 17 of the Agreement reads as under:

"17. Dispute Resolution

*a) Any disputes arising in connection with **this Agreement**, so referred for arbitration, shall be settled under the Arbitration and Conciliation Act, 1996 (Act") by a tribunal consisting of three arbitrators appointed in accordance with the Act.*



b) The venue and seat of the arbitration shall be New Delhi and the language of arbitration shall be English."
(emphasis supplied)

3. Clause 17 of the Agreement state that the place of Arbitration will be Delhi. It is stated that Notice under Section 21 of the Arbitration Act was issued by the Petitioner on 20.04.2024 which was not replied to by the Respondent. The Petitioner has, thereafter, approached this Court by filing the present Petition.
4. Learned Counsel appearing for the Respondent states that he does not have any objection to the appointment of Arbitrator. However, he states that the Arbitrator has to be appointed in respect of the Agreement dated 01.10.2020 only.
5. In view of the fact that disputes have arisen between the parties in terms of the Agreement dated 01.10.2020 and there is an arbitration clause in the Agreement, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.
6. Accordingly, Mr. Ripu Daman Bhardwaj, Advocate, (Mob: 9818030700) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.
7. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.
8. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act within a week of entering on reference.



9. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.
10. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.
11. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 28, 2025

Rahul