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

+ **ARB.P. 875/2024**

TK ELEVA TOR INDIA PRIVATE LIMITEDPetitioner

Through: **Mr. Raghav Sethi, Advocate.**

versus

SHIVIKA ESTATE MANAGEMENT PRIVATE LIMITED

.....Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

10.03.2025

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1. By way of present petition filed under Section 11 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 upon the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into two Gold Maintenance Agreements dated 31.01.2022, Clause 14 whereof provides that disputes arising between the parties with respect to the subject agreements shall be resolved through arbitration. It further stipulates that the place seat of arbitration shall be at New Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 28.03.2024 issued to the respondent under Section 21 of the A&C Act.



4. Notice of the present petition was issued on 01.07.2024. Learned counsel for the petitioner submits that the respondent was served through email at the email addresses given, which did not bounce back. An affidavit of service was filed on 02.12.2024 to the said effect. Another affidavit of service has been placed on record whereby substituted service has been effected and the publication has been carried out in '*The Hindu*' and '*Dainik Jagran*', both Delhi editions, on 04.01.2025. The order dated 07.02.2025 passed by the Joint Registrar notes the filing of the affidavit and the citations placed alongwith the affidavit of service. The respondent has been noted to be duly served. Accordingly, the respondent is deemed to be served.

5. Today, however, neither is the respondent represented nor any reply(s) has been filed on its behalf. Considering the same, it appears that the respondent has no objection to the reference of the disputes to the Sole Arbitrator. In view of the above, 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 comprising of a Sole Arbitrator.
- ii) Mr. Shantanu Aggarwal (Mob. No. 9871989461, email: office@shantanuagarwal.in) 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

MARCH 10, 2025

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