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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 930/2024**

SURESH CHAND GARG & ANR.Petitioners
Through: Mr.Kartik Kumar, Advocate
(M:9716671461).
Versus

7 SUN MOTELS AND RESORTS LLP & ANRRespondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
24.02.2025

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks appointment of 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 an Agreement dated 16.07.2018, Clause 24 whereof provides that the disputes with respect to the agreement shall be resolved through arbitration in accordance with provisions of the A&C Act.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 16.02.2024, issued under Section 21 of the A&C Act.
4. Today, none appears for the respondents.
5. It is noted that the respondents were served and that they were also represented through their counsel on the last two dates, who sought time to



file reply on both the occasions. However, today, neither anyone is present on their behalf nor reply has been filed. In view of the same, it appears that the respondents have no objection to the reference of the present disputes to arbitration.

6. Considering the fact that despite appearing on previous occasions, the respondents have chosen to not appear today and since there is no reply or objection filed on their behalf, the respondents are deemed to have consented to the reference of the present dispute to Arbitration before a Sole Arbitrator.

7. 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.
- ii) Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC') shall nominate an Arbitrator to adjudicate the disputes between the parties.
- iii) The arbitration will be held under the aegis of 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 including of limitation,
are left open for adjudication by the learned arbitrator.

- vi) The parties shall approach DIAC within two weeks from today.

MANOJ KUMAR OHRI, J

FEBRUARY 24, 2025/rd