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

+ **ARB.P. 873/2025**

M/S BIHANI MANUFACTURING PRIVATE LIMITED

.....Petitioner

Through: Mr. Amulya Dhingra and Mr .Chetan
Rathore, Advocates

versus

M/S JAGDISH ENTERPRISES & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

07.11.2025

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1. Matter is being taken up after being passed over in the first call.
2. The instant petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner for appointment of an Arbitrator to adjudicate the disputes that have arisen between the parties under a contract for supply of PVC Compound Plastic Granules.
3. It is the case of the Petitioner that goods worth Rs.1,75,53,582/- of PVC Compound Plastic Granules were supplied to the Respondents on 09.08.2021. There are outstanding dues of Rs. 87,37,841/- and for other supplies there are another sum of Rs. 35,45,841/-.
4. It is stated that an FIR being FIR No.801/2023 for the offences committed under Section 420/406/34 IPC has already been registered at Police Station Okhla Industrial Area by the Petitioner.
5. Since the criminal case would not enable the Petitioner to get the money in terms of the invoice which contains the Arbitration Clause, a notice under Section 21 of the Arbitration and Conciliation Act, 1996 was



sent by the Petitioner invoking the Arbitration clause for appointment of an Arbitrator. A reply of the same has been received from the Respondents on 04.04.2025, denying the Arbitration Clause itself.

6. Clause No. 8 of the Invoice contains an Arbitration Clause stating that the parties have decided to get the dispute adjudicated through arbitration and that the disputes are within the exclusive jurisdiction of the Courts of Delhi.

7. Notice in the present petition was issued by this Court on 01.07.2025 and the matter was listed for 06.10.2025.

8. On 06.10.2025, there was no appearance on behalf of the Respondents and the matter was adjourned to 14.10.2025 on which date the Respondents appeared in Court in person and sought time to file the reply. The matter was then listed for today.

9. Today, despite pass over in the first call, the Respondents have yet not chosen to appear before this Court.

10. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the contract, this Court appoints Mr. Siddharth Gupta (Mobile No:- 9810141287) (E-mail Id:- guptasiddharth73@gmail.com) to adjudicate upon disputes between the parties.

11. Accordingly, the instant petition stands disposed of.

SUBRAMONIUM PRASAD, J

NOVEMBER 7, 2025

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