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

+ **ARB.P. 1138/2024**

**MYPREFERRED TRANSFORMATION AND HOSPITALITY PVT
LTD**Petitioner

Through: Mr. Sagar Kumar Pradhan, Ms. Diptiman
Acharya, Advocates

Versus

ARJUN SATISH PAWAR & ANR.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **15.01.2025**

1. By way of the 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 constitution of Arbitral Tribunal comprising of a Sole Arbitrator.
2. Learned counsel for the petitioner submits that the parties had entered into a Management Services Agreement dated 29.02.2024, Clause 8.1 whereof provides for resolution of disputes by reference to a Sole Arbitrator and further designates Delhi as the venue of arbitration.
3. The petitioner claims to have invoked arbitration by issuing a notice dated 22.05.2024 to the respondents under Section 21 of the A&C Act, to which no response has been received till date.



4. Notice of the petition was directed to be issued on 30.07.2024. Learned counsel for the petitioner contends that the notice was duly served on the respondents through speed post as well as e-mail and in this regard, he has drawn the attention of the Court to the affidavit of service placed on record. The service is effected at the address mentioned in the aforesaid Agreement. The affidavit of service is accompanied by the tracking reports. The affidavit of service further claims that the e-mail sent to the respondents has not bounced back.

5. Considering the aforesaid and that the respondents have remained unrepresented even on the last date of hearing, the respondents are deemed to be served.

6. 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) Mr. Moksh Arora, Advocate (Mob: 9999061836) 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 Schedule IV of the A&C Act or as the parties may agree.
- iv) The learned Arbitrator is requested to 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 as to the arbitrability of any of the claim, any other preliminary



objection, as well as claims on merits of the dispute of 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

JANUARY 15, 2025

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