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

+ **ARB.P. 1215/2024**

RAM SEVAK

.....Petitioner

Through: Mr.JS Rana, Mr.Milan Verma, Mr.Aman
Sharma, Ms.Priye Rana, Mr.Ujjwal Singh and
Mr.Chirag Sharma, Advocates

versus

M/S NUTECH CONTRACTS PVT. LTD.

.....Respondent

Through: Mr.Abhishek Jain, Mr.Ujjwal Kumar,
Mr.S.A. Akhtar and Ms.Ratakshi, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **10.02.2025**

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 constitution of an Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate the disputes between the parties.
2. Learned counsels for the parties submit that the mediation efforts have not been successful at this stage.
3. Learned counsel for the petitioner submits that the parties had entered into Work Orders dated 29.07.2019 and 31.07.2019, Clause 37 of the said Work Orders provides that disputes arising between the parties with respect to the subject Work Orders shall be resolved through arbitration. It further stipulates that the place of arbitration shall be at Delhi.



4. Disputes having arisen between the parties, the petitioner invoked arbitration vide notices dated 24.02.2024 and 11.03.2024 issued to the respondent under Section 21 of the A&C Act, to which no reply has been received on behalf of the respondent.

5. Learned counsel appearing for the respondent, on instructions, submits that the answering respondent has no objection to the matter being referred to arbitration.

6. Considering that both the parties have consented to the reference to the Arbitral Tribunal, 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) As agreed by both the counsels for the parties, DIAC shall nominate an 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 A&C 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 the learned Arbitrator within two weeks from today.

MANOJ KUMAR OHRI, J

FEBRUARY 10, 2025

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