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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1228/2024

INCEPTRA RETAIL INDIA PVT. LTD.

.....Petitioner

Through: Ms. Ankita, Advocate.

versus

G.K.TRENDZ & ANR.

.....Respondents

Through: Mr. Abhay Chitravanshi, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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20.01.2025

I.A. 35978/2024 (delay)

1. By way of present application, the petitioner/applicant seeks condonation of delay of 9 days in re-filing the petition.
2. Learned counsel for the respondent does not object to the prayer made in the application.
3. In view of the above, the application is allowed and the delay of 9 days in re-filing the petition is condoned.
4. In view of the above, the application stands disposed of.

ARB.P. 1228/2024

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation (Amendment) Act, 2015 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes between the parties.



2. Learned counsel for the petitioner submits that the parties had entered into a Distribution Agreement dated 05.03.2018, Clause 21.3 of which provides that disputes with respect to the agreement shall be resolved through arbitration as per provisions of A&C Act. It further provides that the place of arbitration would be at Delhi.

3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 04.08.2023, issued under Section 21 of the A&C Act.

4. Learned counsels appearing for the parties, on instructions, submit that without prejudice to their rights and contentions to be taken in the arbitral proceedings, though the subject agreement stipulates reference of dispute to an Arbitral Tribunal comprising of 3 Arbitrators, the present disputes be referred to the Arbitral Tribunal comprising of a Sole Arbitrator.

5. 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) Mr. Sarthak Karol, Advocate (Mob: 9810900987) 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 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 20, 2025/sc