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

+ **ARB.P. 1274/2024**

SHALLA RAM AND COMPANYPetitioner

Through: Mr. Bharat Malhotra, Advocate

Versus

JAVED AHMED @ JAVID AHMEDRespondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **20.02.2025**

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 upon the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into an Agreement dated 11.06.2023, Clause 10 whereof provides that disputes with respect to the said Agreement shall be resolved through arbitration in accordance with provisions of the A&C Act. It further provides that place of arbitration shall be at New Delhi.
3. The petition is accompanied by the notice invoking arbitration dated 21.06.2024 to the respondent under Section 21 A&C Act.
4. Learned counsel for the petitioner states that the respondent has not only been served by way of postal service but also through Whatsapp. He



states that as per postal service the item has been delivered to the addressee and in this regard, an affidavit of service alongwith tracking report will be filed during the course of the day.

5. From the aforesaid, it appears that despite service, neither the respondent is represented today nor any reply has been filed on his behalf, it appears that the respondent has no objection to the reference of disputes to the Sole Arbitrator.

6. Considering the aforesaid, the present petition is disposed of with the following directions:-

- i) The disputes between the parties under the said agreement are referred to the DIAC.
- ii) Accordingly, DIAC shall nominate a 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 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, 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 20, 2025/rd