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

+ **ARB.P. 1365/2024**

VRENTIN TECH PRIVATE LIMITED

.....Petitioner

Through: Mr. Atul Agarwal, Mr. Mayank Sethi,
Ms. Sushalini Sethi, Advs.

versus

XEBIA IT ARCHITECTS INDIA PRIVATE LIMITED

.....Respondent

Through: Mr. Sushant Nanda, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

04.04.2025

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1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the parties.
2. The petitioner entered into an agreement for Manpower Contract Services dated 21.01.2021 with the respondent, wherein the petitioner was providing resources to the respondent. The same was continued on 22.01.2022 and a fresh agreement was also executed.
3. The said Agreement contains arbitration clause being Clause 20 which reads as under:

“20. DISPUTE RESOLUTION & GOVERNING LAW

Any dispute arising out of this agreement shall be amicably settled between the parties within 90 days of the notice of dispute, failing



of which the matter to be referred to Arbitration, the seat and venue of which shall be New Delhi. The dispute shall be adjudicated by a sole Arbitrator, appointed after mutual discussion and agreement between the parties.

This Agreement shall be governed by and construed in accordance with the laws of India and the Courts of New Delhi shall have jurisdiction.”

4. Since there were disputes between the parties, on 09.06.2024, the petitioner filed a complaint with MSME forum and thereafter sent a legal notice dated 02.07.2024 invoking arbitration proceedings.
5. Subsequently, the petitioner approached the MSME council by filing an application under Section 18 of MSME Act. Thereafter, the petitioner also filed the present petition seeking appointment of an Arbitrator.
6. Mr. Nanda, learned counsel for the respondent has only one objection that once the petitioner has approached the MSME Council, it is the MSME Council who shall appoint an Arbitrator.
7. Mr. Agarwal, learned counsel for the petitioner states that he has already filed an application dated 04.03.2025 before the MSME Council seeking withdrawal of the Complaint.
8. He further states that he is not interested in prosecuting the arbitration proceedings before the MSME Council and on instructions of the petitioner, makes the said statement.
9. In this view of the matter, Mr. Nanda, learned counsel for the respondent has no objection to appointment of an Arbitrator by the Court.
10. For the said reasons, the petition is allowed with the following directions:



- i) Mr. Jai Sahai Endlaw, Advocate (Mob. No. 9811122114) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) 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').
 - iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
 - 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/counter-claims and 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.
11. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

APRIL 4, 2025/DM

Click here to check corrigendum, if any