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

+ **ARB.P. 1381/2024**

M/S K D SOLAR SYSTEMS

.....Petitioner

Through: Ms. Smrit Sahay, Ms. Pragati Singh
and Ms. Aditi, Advocates.

versus

**M/S ACME CLEANTECH
SOLUTIONS PVT. LTD.**

.....Respondent

Through: Mr. Dhanesh Relan and Ms. Brinda
Batra, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.03.2025

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1. By way of present petition filed under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996 (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 respondent issued various Purchase Orders and Work/Service Orders to the petitioner, and as per Clause 8 of the General Conditions of Purchase contained in the same, it is stipulated that disputes arising out of and in connection with the said Purchase Orders/Work Orders shall be resolved through arbitration as per the provisions of the A&C Act. It further provides for arbitration to be held at Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 15.10.2023, issued under Section 21 of the A&C Act.



4. Learned counsel for the respondent submits, on instructions, that though he has certain objections to the reference of the present disputes to arbitration, without prejudice to its rights and contentions, in case the Court is inclined to refer the dispute to arbitration, the respondent be granted liberty to raise all its contentions, including but not limited to jurisdiction, before the Arbitral Tribunal so constituted.

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

- i) The disputes between the parties under the subject Purchase/Word Orders are referred to the Arbitral Tribunal.
- ii) Mr. Abhay Sahai, Advocate (Mob: 9971067110) 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').
- 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 including on jurisdiction, 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 remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.



- vii) The parties shall approach the learned Arbitrator within two weeks from today.

MANOJ KUMAR OHRI, J

MARCH 11, 2025/rd