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

+ **ARB.P. 1403/2024**

VISHAL SWARA & ANR

.....Petitioners

Through: Mr. Sandeep Phogat and Mr. Ravi,
Advocates.

versus

SIS LIMITED & ANR

.....Respondents

Through: Mr. Anupam K. Sinha, Mr. Apoorv
Jha, Mr. Pradeep K. Tiwari and Ms.
Sahitya Srivastava, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

03.02.2025

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1. By way of present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioners seek constitution of an Arbitral Tribunal, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioners submits that the parties had entered into a Settlement Agreement dated 15.11.2022 and Clause 4.2 of the said Settlement Agreement stipulates resolution of disputes through arbitration. The Clause further provides for the seat of arbitration to be at New Delhi. Disputes having arisen between the parties, a notice dated 10.04.2024 was issued by the petitioners under Section 21 of the A&C Act.
3. Learned counsel for the respondents submit that he has no objection to referring the disputes to arbitration.



4. Learned counsels for the parties, on instructions, submit that a sole Arbitrator be appointed instead of a panel of three as envisaged in the subject Agreement.
5. Considering that both the parties have consented to the reference of the disputes to the Arbitral Tribunal comprising of sole Arbitrator, 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. Viplav Acharya, Advocate (Mob: 9971801123) 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 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, 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 3, 2025/rd