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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1406/2024

SNAP ON TOOLS PRIVATE LIMITED

.....Petitioner

Through: Mr. Apar Mathur and Ms. Sharanya
Bhatnagar, Advocates.

versus

MS ZENITH AUTOCORP

.....Respondent

Through: Mr. Aayush Modi, Mr. Ashray Dave
and Mr. Aayu Saxena, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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14.02.2025

1. By way of present petition filed under Section 11 (4) 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 upon the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into an Authorized Reseller Agreement dated 01.04.2022, Clause 16.3 whereof provides for the disputes with respect to the said agreement to be resolved through arbitration as per provisions of A&C Act. It further provides the seat of arbitration to be at New Delhi.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 12.06.2024, issued under Section 21 of the A&C Act.
4. Learned counsel appearing for the respondent, on instructions, submits that the answering respondent has no objection to the matter being 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) Ms. Divya, Advocate (Mob. 9216304161) 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 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 including of limitation, 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 14, 2025

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