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

+ **ARB.P. 1413/2024**

RAM PRAKASH GUPTA & ANR.

.....Petitioner

Through: Ms. Madhu Sudan Bhayana, Ms.
Himani Aggarwal, Advs.

versus

SHRI VIJAY GARG

.....Respondent

Through: Mr. Raghav Sabharwal, Mr. Arpit
Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **24.04.2025**

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*) seeking appointment of an arbitrator to adjudicate the disputes between the parties, arising out of the partnership deeds dated 27.06.2020 and 31.10.2020.
2. In the present case, on 27.06.2020, a partnership deed was executed between the petitioner No. 1 and the respondent.
3. Subsequently, on 31.10.2020, a revised partnership deed was executed between the petitioners and the respondent.
4. The partnership deed dated 31.10.2020 contains an arbitration clause, being Clause No.16 which reads as under:

"16. That in the case of any dispute of misunderstanding

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whatsoever relating to the accounts, determination of the partnership, rights, obligation, interpretation of any clauses embodied or incidental to this partnership shall be referred to the Arbitration as per Arbitration Act a in force from time to time and the decision of such an Arbitration shall be final, conclusive and binding on all the partners and no partner shall rush to the Court of law in the first instance.”

5. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 11.08.2023 and subsequently, filed the present petition.
6. The parties were referred to mediation but the mediation ended as “Not-Settled”.
7. The respondent has not filed any reply to the present petition.
8. I am satisfied that there are disputes subsisting between the parties which need to be resolved through the arbitral mechanism.
9. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Mr. Satyakam, Advocate (Mobile No. 9868219633) 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’) and as per Rules of DIAC.
 - iii) The remuneration of the learned Arbitrator shall be in

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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.
10. The present petition is disposed of in the aforesaid terms.
11. The notice handed over in Court is taken on record.

JASMEET SINGH, J

APRIL 24, 2025/sp

Click here to check corrigendum, if any

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