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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1472/2024**

DEEPAK AGARWAL & ANR.

.....Petitioners

Through: Mr. Lokesh Bhola, Ms. Sanjana
Manchanda and Mr. Lavish Soni,
Advocates.

versus

ANUBHAV SHARMA

.....Respondent

Through: Mr. Alok Tiwari, Mr. Dakshayani
Saxena, Ms. Kritika Bansal and Mr.
Saurabh Tiwari, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

04.02.2025

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1. By way of present petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996, the petitioners seek referral of disputes to the Arbitral Tribunal that have arisen between the parties in the context of Agreement to Sell dated 15.12.2020.
2. Learned counsel for the petitioners, while referring to the order dated 23.09.2024 passed in ARB.P.1473/2024, submits that the petitioners had inadvertently filed a notice invoking arbitration with respect to Shareholder Agreement dated 17.02.2016 between the parties, however, as recorded in the aforesaid order, learned counsel placed the correct copy of the notice invoking arbitration dated 06.07.2024 with respect to the subject Agreement to Sell dated 15.12.2020. He further submits that in terms of Clause 13 of the subject agreement, this Court has the jurisdiction under Section 11 of the



A&C Act to refer the disputes to the Arbitral Tribunal and the place of arbitration in the said clause is also designated as New Delhi.

3. At this stage, learned counsel for the respondent, on instructions, submits that respondent has no objection to the referral of the disputes to the Arbitral Tribunal, however, seeks liberty to raise all contentions, including on limitation and the existence and execution of the arbitration agreement as well as to raise counter claims, before the Arbitral Tribunal.

4. Considering that both the parties have consented to the reference of the disputes 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) Mr. Anubhav Bhasin, Advocate (Mob. No. 9971090069) 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 claims on 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.

FEBRUARY 4, 2025

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MANOJ KUMAR OHRI, J