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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1473/2024, I.A 3023/2025**

CLARION PROPERTIES LIMITED

.....Petitioner

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 comprising of a Sole Arbitrator, that have arisen between the parties in the context of Shareholders Agreement dated 17.02.2016.
2. Learned counsel for the petitioners 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 Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 06.07.2024, issued under Section 21 of the A&C Act, to which, reply dated 06.08.2024 was received on behalf of the respondent.



4. Learned counsel for the respondent submits that though a reply has been filed, however, the same is not on record as there was delay in filing the same.
5. At this stage, learned counsel for the petitioner submits that he has no objection in case the said delay is condoned.
6. Accordingly, delay in filing the reply is condoned and the Registry is directed to place the reply on record.
7. 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.
8. 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. Swastik Singh, Advocate (Mob. No. 9717419767) 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.

9. Application is also disposed of as infructuous.

MANOJ KUMAR OHRI, J

FEBRUARY 4, 2025

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