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

+ **ARB.P. 1554/2024**

ACCELERATE PRODUCTX VENTURES PRIVATE LIMITED

.....Petitioner

Through: Ms.Suneha Jain, Advocate

versus

SAMSARA RETAIL VENTURES

.....Respondent

Through: Mr.Fahad Imztiaz and Mr.Ashish
Rohlania, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.03.2025

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1. By way of present petition filed under Sections 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks constitution of an Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate the disputes between the parties.
2. Learned counsels for the parties, who have joined the proceedings through VC, submit that mediation efforts between them have not fructified.
3. Learned counsel for the petitioner submits that the parties had entered into Franchise Agreement dated 29.03.2023, Clause 23.2 of the said Agreement provides that disputes arising between the parties with respect to the subject Agreement shall be resolved through arbitration. It further stipulates that the venue and seat of arbitration shall be at New Delhi.
4. Disputes having arisen between the parties, the petitioner invoked



arbitration vide notice dated 09.02.2024 issued to the respondent under Section 21 of the A&C Act.

5. Learned counsel appearing for the respondent, on instructions, submits that the answering respondent has no objection to the matter being referred to arbitration.

6. At this stage, learned counsels for the parties, on instructions, jointly pray that an Arbitrator may be appointed and the arbitration proceedings be conducted under the aegis of Delhi International Arbitration Centre.

7. Considering that both the parties have consented to the reference of their 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. Shivam Sachdeva, Advocate (Mob.No. 9971358035) 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, need and legality of interim relief, 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.

8. Needless to state, the parties shall be at liberty to file their claims/counter claims and raise all objections before the Arbitral Tribunal so constituted.

MANOJ KUMAR OHRI, J

MARCH 6, 2025

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