



\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1583/2024**
VIANAM HEALTHTECH PRIVATE LIMITEDPetitioner
Through: Mr. Sumit R. Sharma, Advocate

versus

TERNA SPECIALTY HOSPITAL
AND RESEARCH CENTERRespondent
Through: None

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
13.02.2025

%

1. By way of present petition filed under Section 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 upon the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Service Agreement dated 21.12.2021, Clause 10.2 of which provides that disputes with respect to the Agreement shall be resolved through arbitration as per provisions of A&C Act. It further provides for the seat of arbitration to be at New Delhi.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 25.06.2024, issued to the respondent under Section 21 of the A&C Act.
4. Notice of the petition was issued on 28.10.2024 and thereafter learned counsel for the respondent appeared on two dates. However, today learned counsel for the respondent is not available. It seems that the respondent has



no objection to referring the disputes to arbitration.

5. In view of the above, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the said agreement are referred to the DIAC.
- ii) Accordingly, DIAC shall nominate 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, 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 13, 2025/rd