



\$~6

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

+ **ARB.P. 1600/2024**

**SURENDER KUMAR**

.....Petitioner

Through: Mr. Ajay kashyap and Mr. Vaibhav  
Gupta, Advocate

versus

**M S CLUES NETWORK PRIVATE LIMITED**

.....Respondent

Through: Mr. Mohd Yawar, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

**28.02.2025**

%

1. By way of present petition filed under Section 11(5) 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 counsel for the petitioner submits that the Petitioner had entered into an E-User Agreement/Merchant Policies with the Respondent herein in 2020, Article 20 of the Agreement provides that disputes with respect to the said Agreement shall be resolved through arbitration. It further provides that place of arbitration shall be at New Delhi.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 11.07.2024, issued to the respondent under Section 21 of the A&C Act.
4. Learned counsel appearing for the respondent, on instructions,



submits that the respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator.

5. At this stage, without prejudice to its rights and contentions learned counsel submits that at the first instance, the parties be referred to the mediation to explore the possibility of an amicable settlement.

6. Accordingly, list before the *Samadhan*, Delhi High Court Mediation & Conciliation Centre on 28.02.2025. In case, no settlement is arrived at between the parties within a period of four weeks or within the further extended time of four weeks, the matter shall stand referred to the arbitration.

7. 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 including of limitation, are left open for adjudication by the learned arbitrator.

vi) The parties shall approach the learned arbitrator within two weeks thereafter.

**SUBRAMONIUM PRASAD, J**

**FEBRUARY 28, 2025**

*Rahul*