



\$~14

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

+ **ARB.P. 1605/2024**

XTELIFY LIMITED

.....Petitioner

Through: Mr. Akash Kundu and Mr. Nitin
Tittal, Advocates.

versus

FIRSTVITE E LEARNING PVT LTD

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

03.02.2025

1. By way of present petition filed under Section 11 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 parties had entered into a Master Service Agreement dated 07.05.2022 and Article 14 of the same stipulates resolution of disputes through arbitration and further designates Delhi to be the place of arbitration. He further states that disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 15.05.2024, issued under Section 21 of the A&C Act, to which no response has been received.
3. Learned counsel for the petitioner submits that the respondent is not represented today, despite having been duly served at the address mentioned in the Master Service Agreement. In this regard, learned counsel for the



petitioner has drawn the Court's attention to the affidavit of service filed by him, which is accompanied by the tracking report. Learned counsel for the petitioner submits that the respondent has been duly served via speed post.

4. Considering the aforesaid and since there is no reply or representation on behalf of the respondent, it appears that it has no objection to the reference, the respondent is deemed to be served.

5. In view of the above, this Court deems the present case fit for reference to arbitration. Consequently, 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) 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 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 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 3, 2025/rd