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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **ARB.P. 302/2025**

**RAAJ KHOSLA AND COMPANY PVT LTD** .....Petitioner  
Through: Mr. Dhiraj Sachdeva and Mr.  
Hitender Chouhan, Advocate with  
A.R.  
versus

**MR. ANINDYA SARKAR & ANR.** .....Respondents  
Through: Mr. Malak Bhatt, Ms. Neeha Nagpal,  
Mr. Shreyansh Chopra and Mr. Udit  
Vyas, Advocates.

**AND**

+ **O.M.P.(I) (COMM.) 352/2024**  
**RAAJ KHOSLA AND COMPANY PVT LTD** .....Petitioner  
Through: Mr. Dhiraj Sachdeva and Mr.  
Hitender Chouhan, Advocate with  
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versus

**MR. ANINDYA SARKAR & ANR.** .....Respondents  
Through: Mr. Malak Bhatt, Ms. Neeha Nagpal,  
Mr. Shreyansh Chopra and Mr. Udit  
Vyas, Advocates.

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**  
**ORDER**  
% **27.02.2025**

**ARB.P. 302/2025**

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 appointment of Arbitral Tribunal to adjudicate the disputes



between the parties.

2. The parties entered into Consulting Agreement dated 27.02.2020. As per Clause 12 of the Agreement, the disputes arising out of and in connection with the said Agreement shall be resolved through arbitration in accordance with provisions of A&C Act. It further provides that venue of arbitration would be New Delhi.

3. Disputes having arisen between the parties, petitioner invoked arbitration vide notices dated 17.09.2024 and 12.12.2024, issued under Section 21 of the A&C Act.

4. Learned counsels for the parties, on instructions, jointly submit that the Arbitration Agreement not being denied, the disputes arising in the context of the Agreement be referred to the Arbitral Tribunal comprising of a Sole Arbitrator and in accordance with Clause 12 of the subject agreement. Moreover, it is also prayed that the accompanying petition, i.e., O.M.P.(I) (COMM.) 352/2024 filed under Section 9 of the A&C Act be treated as an application under Section 17 of the Act, to be considered by the Arbitral Tribunal so constituted.

5. Considering that both the parties have consented to the reference to the arbitral tribunal comprising of a Sole Arbitrator, 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. Justice Kailash Gambhir, former Judge at Delhi High Court (Mob: 9871300033) 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 Arbitrators 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 Arbitrators within two weeks from today.

**O.M.P.(I) (COMM.) 352/2024**

1. In view of the order passed in ARB.P. 302/2025, and considering the fact that the dispute between the parties stands referred to the learned Sole Arbitrator, let the present petition itself be treated as an application under Section 17 of the A&C Act and decided accordingly by the learned Arbitral Tribunal.

2. The petition is disposed of in the above terms.

**MANOJ KUMAR OHRI, J**

**FEBRUARY 27, 2025**

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