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

+ O.M.P.(I) (COMM.) 353/2024

SMT INDRA GUPTA

.....Petitioner

Through: Mr.Ankit Jain, Sr. Advocate with
Mr.Mohit Gupta, Ms.Anisha Gupta and Mr.Vishal
Saxena, Advocates

versus

MR NITIN GUPTA AND ANR

.....Respondents

Through: Dr. Sarbjit Sharma and Ms.Himani
Rawat, Advocates

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+ ARB.P. 277/2025

INDRA GUPTA

.....Petitioner

Through: Mr.Ankit Jain, Sr. Advocate with
Mr.Mohit Gupta, Ms.Anisha Gupta and Mr.Vishal
Saxena, Advocates

versus

NITIN GUPTA & ANR.

.....Respondents

Through: Appearance not given

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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10.02.2025

O.M.P.(I) (COMM.) 353/2024, CCP(O) 11/2025 and I.A. 3457/2025

1. This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks interim directions.
2. Learned counsel for the petitioner submits that the parties had entered into a Partnership Deed dated 01.08.2021, Clause 17 of which provides that disputes arising between the parties with respect to the subject Deed shall be resolved by reference to arbitration.



3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 14.01.2025 issued to the respondent under Section 21 of the A&C Act.
4. Learned counsel appearing for the respondents do not dispute either the Partnership Deed or the jurisdiction of this court.
5. Learned counsels for the parties, on instructions, submit that the Arbitration Agreement not being denied, the disputes arising in the context of the subject Partnership Deed be referred to the Arbitral Tribunal comprising of a sole arbitrator and the present petition itself be treated as an application under Section 17 of the A&C Act.
6. Learned counsel for the petitioner submits that the status quo order dated 09.10.2024 thereof be continued. Learned counsel for the respondent, on instructions, submits that the respondent would abide by the said order till the application under Section 17 is taken up for consideration by the Arbitral Tribunal. The parties shall be at liberty to seek continuation/modification/variation/recall of the interim orders before the Arbitral Tribunal.
7. In view thereof, 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. The present application be treated as one under Section 17 of the A & C Act.
 - ii) Mr. Justice A. K. Pathak, former Judge at High Court of Delhi (Mob.No. 9910384602) 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. The pending applications are also disposed of.

ARB.P. 277/2025 and I.A. 3406/2025

In view of the order passed in O.M.P.(I) (COMM.) 353/2024, the petition stands disposed of alongwith the pending applications, if any.

MANOJ KUMAR OHRI, J

FEBRUARY 10, 2025/na