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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1617/2024**
VISHALSAGAR HOME AND AGRO PRODUCTS LIMITED

.....Petitioner

Through: Mr. Vishwanathan, Ms. Pooja Sharma,
Advs.

versus

TATAPOWER SOLAR SYSTEMS LIMITEDRespondent
Through: Mr. Dinesh Pardasani, Mr. Bibin
Kurian, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
09.05.2025

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1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator arising out of Commercial Proposal and Work Order dated 20.11.2017.
2. The Work Order contains arbitration clause being Clause 9 which reads as under:
“9. If the Dispute arises out of or in connection with any claims made by any Party, such Disputes shall be resolved by arbitration under the Indian Arbitration and Conciliation Act, 1996. The place of arbitration shall be New Delhi, India.”
3. Since there were disputes between the parties, the petitioner invoked arbitration vide legal notice dated 11.02.2022.



4. The same is disputed by the respondent.
5. Thereafter, the petitioner approached the Bombay High Court for appointment of an Arbitrator but the same was withdrawn with liberty to file the petition in competent court of law.
6. Hence, the present petition.
7. Mr. Pardasani, learned counsel for the respondent states that the notice was never received by the respondent is an issue which the Arbitrator has to decide and his rights and contentions be left open in this regard.
8. For the said reasons, the petition is allowed with the following terms and conditions:
 - i) Ms. Rashmi Chopra, Sr. Adv. (Mob. No. 9810311218) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
 - iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
 - iv) The learned Arbitrator is requested to 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 as to the arbitrability of any of the claim, as well as non service of notice and its effect and any other preliminary objection, as well as claims/counter-claims and merits of the dispute of 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.
9. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

MAY 9, 2025/DM

[Click here to check corrigendum, if any](#)