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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1637/2024

M/S SARGAKSHETRA CHARITABLE TRUSTPetitioner

Through: Mr. Adhishwar Suri, Mr. Alex
Joseph, Advs.

versus

M/S INNOVATIVE PROJECT MANAGEMENT SERVICES
PRIVATE LIMITEDRespondent

Through: Ms. Tajinder Kaur, Mr. Neeraj Gupta,
Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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14.05.2025

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties.
2. The facts are that the petitioner entered into a Fund Raising Service Agreement dated 12.06.2023 with the respondent for raising a total fund of Rs. 4.7 crores.
3. The said Agreement contained arbitration clause being clause No. 6.1 which reads as under:-

“Dispute Resolution

6.1 Any controversy or dispute in connection with this agreement which cannot be amicably settled by the parties shall be decided by recourse to arbitration by a sole arbitrator, appointed by mutual discussion between The CEO of the First Party and The Chief Functionary of the second Party, which will be governed under the provisions of Arbitration & Conciliation Act, 1996, with the place of Arbitration at New Delhi. In case of any dispute the parties



shall be bound to give the other party a due notice of 30 days for invoking the provision under this clause i.e. for appointment of arbitrator.

The arbitral award shall be final and binding on both parties. The courts at New Delhi, India shall have exclusive jurisdiction in respect of all matters concerning this Agreement.

4. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 19.07.2024 and thereafter filed the present petition.
5. The parties were referred to the mediation but the mediation has failed.
6. Ms. Kaur, learned counsel appears on behalf of the respondent and has no objection to appointment of an arbitrator.
7. I am also satisfied that there are disputes pending between the petitioner and the respondent and the same needs to be resolved through arbitration process.
8. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Mr. Arun Kumar Sharma, Advocate (Mob. No. 9891685368) 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, 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 14, 2025 / (MS)

Click here to check corrigendum, if any