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

+ **ARB.P. 1647/2024**

HARISH MITTAL

.....Petitioner

Through: Mr. Sunil Kumar, Adv.

versus

M/S GO4GARAGE PVT LTD & ORS.Respondents

Through: Mr. Dhurjati Verma, Ms. Kanika
Malhotra, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

16.04.2025

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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 to adjudicate the disputes between the parties.

2. The petitioner and the respondent entered into a Service Agreement dated 20.09.2022 wherein respondent No. 1 agreed to act as an aggregator and the respondent was to be paid 12% commission on invoices.

3. The arbitration clause is contained in the Service Agreement as Clause 39 which reads as under:

“39. If any dispute arises between the Parties hereto during the subsistence of this agreement or thereafter, in connection with or arising out of this agreement, the dispute shall be referred to arbitration under the Indian Arbitration and Conciliation Act, 2013.



Arbitration shall be held at Delhi, India. The proceedings of arbitration shall be in the English language. The Parties shall bear their own cost of arbitration proceedings. The arbitrator's award shall be final and binding on the parties."

4. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 01.07.2024.

5. Mr. Verma, learned counsel for the respondent states that he has no objection to the appointment of an Arbitrator. However, the parties may be referred to mediation before the Arbitrator enters reference.

6. For the said reasons, the petition is allowed with the following directions:

- i) Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC') will appoint a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The arbitration will be held under the aegis of the DIAC and as per DIAC Rules.
- 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 Arbitrator shall not commence the proceedings for a period of 8 weeks from today in order to enable the parties to explore the mediation process before the Delhi High Court Mediation and Conciliation Centre.
 - vii) The parties shall appear before Delhi High Court Mediation and Conciliation Centre on 24.04.2025 at 04:30 PM.
7. With these directions, the petition is disposed of.

JASMEET SINGH, J

APRIL 16, 2025/DM

Click here to check corrigendum, if any