



\$~4

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

+ **ARB.P. 1664/2024**

91 SPRINGBOARD BUSINESS HUB PVT. LTD.....Petitioner

Through: Mr.Varun Garg and Ms.Komal Bihani,
Advocates

versus

COUNSELINDIA SERVICES PRIVATE LIMITEDRespondent

Through: Ms.Rashi Jain, Mr.Mihir Garg and
Ms.Kavita Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **20.01.2025**

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 an Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes between the parties or in the alternative, appoint an Arbitrator on behalf of the Respondent and direct the constitution of the Arbitral Tribunal of three members in terms of the Coworking Letter-Terms of Offer dated 23.11.2023.

2. Learned counsel for the petitioner submits that the parties had entered into a Coworking Letter-Terms of Offer dated 23.11.2023, Clause 17(f) of which provides that disputes arising in context of the aforesaid Coworking letter shall be resolved through arbitration as per provisions of the A&C Act. It further provides for the place of arbitration to be New Delhi. It is further



submitted that disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 14.08.2024, issued under Section 21 of the A&C Act, proposing the reference of dispute for resolution to a Sole Arbitrator instead of constituting an Arbitral Tribunal, to which no reply on behalf of the respondent was received.

4. Learned counsels appearing for the parties, on instructions, submit that without prejudice to their rights and contentions to be taken in the arbitral proceedings, the present disputes be referred to the Arbitral Tribunal comprising of a Sole Arbitrator.

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) Ms. Stuti Gujral, Advocate (Mob: 9910745870) 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 Schedule of fees maintained by DIAC or as the parties may agree.
- 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 on 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.

MANOJ KUMAR OHRI, J

JANUARY 20, 2025

na