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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1755/2024**

SUNSHINE ENGINEERS AND CONSULTANTS.....Petitioner
Through: None.

versus

M/S VINNI CHEMICALS PVT. LTD.Respondent
Through: Mr. Sahil Gupta, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
19.02.2025

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1. By way of present petition filed under Section 11(4) and (6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks constitution of an Arbitral Tribunal comprising of a Sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties entered into a Supply Agreement dated 30.03.2023, Clause 25 of which provides that disputes with respect to the said Agreement shall be resolved through arbitration. It further provides that seat of arbitration shall be at New Delhi.
3. The petition is accompanied by notice invoking arbitration dated 05.06.2024 issued to the respondent under Section 21 of the A&C Act.
4. Learned counsel for the respondent, on instructions, fairly submits that the respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator.
5. Considering the aforesaid, this Court finds no impediment in referring the disputes between the parties to a Sole Arbitrator. Accordingly, 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) Mr. Justice Ali Mohd Magrey, Former Chief Justice of High Court of J&K and Ladakh (Mob No. 6005509928), 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 one two from today.

MANOJ KUMAR OHRI, J

FEBRUARY 19, 2025/ga