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

+ **ARB.P. 1642/2025**

M/S BIHANI MANUFACTURING PVT LTDPetitioner

Through: **Mr. Puneet Parihar, Mr. Suraj Nag &
Ms. Aditi Anup, Advocates.**

versus

**M/S SBD MEDICARE PRIVATE LIMITED
THROUGH ITS DIRECTORS & ORS.**

.....Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

27.11.2025

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1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter 'Act') seeking appointment of a Sole Arbitrator for the adjudication of the disputes between the parties arising subsequent to sale of goods by the petitioner to the respondents.

2. Counsel for the petitioner submits that the tax invoices raised by the petitioner to the respondents contain an arbitration clause, *i.e.*, Clause 8, which provides for adjudication of any dispute arising between the parties by way of arbitration. For ease of reference, the aforesaid Clause 8 is set out below:

"8.1 The contract shall be governed and interpreted in accordance with the laws of India.

8.2 In case of any dispute, the same shall be resolved by a Sole Arbitrator to be appointed by the seller, and the courts in Delhi alone shall have jurisdiction.

8.3 All disputes arising out of this contract shall be subject to the exclusive jurisdiction of the courts in Delhi."

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3. He further submits that since there were disputes between the parties, the petitioner issued a legal notice dated 14th August, 2025 and a notice dated 31st August, 2025 to the respondents invoking the aforesaid arbitration clause in terms of Section 21 of the Act. However, the respondents failed to respond to the aforesaid notices.

4. Hence, the petitioner has been constrained to approach this Court by way of the present petition.

5. Notice in the present petition was issued on 10th October, 2025.

6. As per the report of the Registry, the respondents have been served by email.

7. Counsel for the petitioner has also handed over an email dated 15th November, 2025 from the respondents, which is a response to the advance copy of the paperbook of the present petition being served to the respondents.

7.1. The aforesaid email is taken on record.

8. At the oral request of counsel appearing on behalf of the petitioner, the respondents no.2 and 3 are deleted from the array of parties.

9. Accordingly, the dispute between the petitioner and the respondent no. 1 arising out of the aforesaid arbitration clause is referred to the Arbitral Tribunal comprising a Sole Arbitrator. The following directions are issued in this regard:

- a. Ms. Mrinalini Sen (Mobile No.: +91 9873367274) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- b. The arbitral proceedings shall be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter '**DIAC**').



- c. The remuneration of the Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
 - d. The Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference. In the event there is any impediment to the Arbitrator's appointment on that count, the parties are given liberty to file an appropriate application before this Court.
 - e. The parties shall approach the Arbitrator within two (2) weeks from today.
10. It is made clear that all the rights and contentions of the parties, including the arbitrability of any of the claims and/ or counter claims, any other preliminary objections as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the Arbitrator.
11. The petition stands disposed of in the aforesaid terms.
12. Needless to state, nothing in this order shall be construed as an expression of this Court on the merits of the case.

AMIT BANSAL, J

NOVEMBER 27, 2025

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