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

+ **ARB.P. 1778/2024**

M/S. ATLAS SHIPPING PVT. LTD.

.....Petitioner

Through: Mr. Ashish Upadhyay, Advocate

versus

M/S. PME POWER SOLUTIONS (INDIA) LIMITED....Respondent

Through: Mr. Sanjay Jain & Ms. Aadhyasha
Mohanty, Advs.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

28.01.2025

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1. Pursuant to the previous order dated 14th November 2024, counsel for respondent appears and states that they have no objection to the appointment of the Sole Arbitrator under the Delhi International Arbitration Centre (**'DIAC'**).
2. Accordingly, Mr. Mukul Gupta, Senior Advocate (Mob. 98101 35004) is appointed as the sole arbitrator. Arbitration proceedings shall be conducted under Rules of DIAC. Schedule of the fee of Sole Arbitrator shall be as per the DIAC rules.
3. Copy of this order be sent to the DIAC for information and further proceedings.
4. It is noted that arbitration was invoked by petitioner *vide* notice dated 1st August 2024. Arbitrator is therefore being appointed in that regard.
5. Counsel for the respondent states that arbitration ought to be restricted to the disputes arising under *invoices* and not any other document like *debit-*



note and *freight bill*, considering the scope of notice itself, read with Section 21 of the Arbitration & Conciliation Act, 1996 ('ACA').

6. The same is refuted by the counsel for petitioner who states that the same arbitration clause is part of all the documents including the *invoices*, *debit-notes* and *freight bill*, which all form part of the same transaction.

7. Needless to state that these aspects can be raised before the Arbitrator and shall be considered in accordance with law.

8. This Court has not adverted to merits of the matter.

9. Matter be listed before the DIAC on 6th February 2025 for further directions.

10. Petition stands disposed of in above terms.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 28, 2025/sm/kp