



\$~2

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

+ **ARB.P. 1806/2024**

M/S NCUBATE INDIA SERVICES PRIVATE LIMITED

.....Petitioner

Through: Mr. Diwakar Singh, Advocate.

versus

M/S LUXMI COMMUNICATION

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

%

20.02.2025

1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties under the Distribution/Dealer/DSA Agreement dated 11.10.2020 entered into between the parties.
2. It is stated in the petition that there has been failure on the part of the Respondent who is the distributor in making payment to the Petitioner.
3. Clause 23 of the agreement contains the Arbitration Clause. Arbitration Clause states that the seat of Arbitration will be at Delhi.
4. On 11.12.2023, this Court issued notice in the matter. The Office Report indicates that the Respondent has been served. Therefore, service is complete.
5. Despite service there is no appearance on behalf of the Respondent.
6. Accordingly, Mr. Sirhaan Seth, Advocate, (Mob: 9999656870) is



appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

7. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

8. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act within a week of entering on reference.

9. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

10. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

11. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 20, 2025

sc