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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1807/2024**
DIC INDIA LIMITEDPetitioner
Through: Mr. Sandeep Grover, Advocate

versus

AGAM AGOCHARS PRIVATE LIMITEDRespondent
Through: Mr. S.N. Bohra, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
03.02.2025

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1. By way of present petition filed under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Distribution Agreement dated 02.03.2021, Clause 15.2 of which provides for the disputes arising in the context of the said agreement shall be resolved through arbitration as per provisions of the A&C Act. It further provides that the place of arbitration would be at New Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 08.01.2024, issued under Section 21 of the A&C Act.
4. Learned counsel appearing for the respondent, on instructions, submits that the answering respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator.



5. Considering that both the parties have consented to the reference of the present dispute to the Arbitral Tribunal, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the subject agreement are referred to the Arbitral Tribunal.
- ii) Mr. Uttam Datt, Senior Advocate (Mob: 9810041776) 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, 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

FEBRUARY 3, 2025/rd