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

+ **ARB.P. 1780/2025**

SHALIMAR PAINTS LTD

.....Petitioner

Through: Ms. Smriti Papreja, Ms. Perna
Chaubey and Ms. Nitya Vig, Advs.

versus

XYLO PAINTS PVT LTD & ORS.

.....Respondents

Through: Mr. Milind P Singh, Mr S.S. Sastri
and Mr. Deependra Shakya, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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03.11.2025

1. This is an application under Section 11(6) of the Arbitration & Conciliation Act, 1996 for appointment of an Arbitrator to adjudicate the disputes which have arisen between the parties under the Agreement dated 30.04.2022 whereby Respondent No.1 took responsibility for execution of the works at the APTIDCO site.
2. It is stated that Respondent No.1 raised several invoices pursuant to which the Petitioner released advance payments amounting to Rs.1,54,98,000/-. It is stated that various concerns regarding deficiency in work was raised by the Petitioner and since there was no response from the Respondents, the Petitioner issued legal notice dated 11.03.2024 and 09.04.2024.
3. It is stated that in response to the legal notice dated 09.04.2024, the Respondents raised a counter claim and denied the liability under the



agreement. It is stated that a pre-institution mediation under Section 12A of the Commercial Courts Act, 2015 has taken place before the DHCLSC and a non-starter report dated 20.08.2025 has been issued noting the unwillingness of the Respondents to participate in the mediation proceedings.

4. It is stated that a notice under Section 21 of the Arbitration & Conciliation Act has been issued to the Respondents on 06.09.2025 invoking Clause 21(F) of the agreement which provides for settlement of dispute through arbitration and the seat of arbitration in Delhi. Since the Respondents did not respond to the same, the Petitioner has approached this Court by filing the instant petition seeking appointment of an Arbitrator.

5. During the course of hearing, respective Counsel for the parties jointly request that an independent Sole Arbitrator be appointed to adjudicate the disputes between the parties.

6. Accordingly, Mr. Rakesh Kumar Dudeja, Advocate (Mob: 9810147798) is appointed as the 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, 1996 within two weeks of entering into 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 petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 3, 2025

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