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

+ **ARB.P. 1990/2024**

M/S DESIGN ASSOCIATES INC., A PARTNERSHIP FIRM

.....Petitioner

Through: Mr.Arjun Dewan, Arjun Mukherjee,
Mr.Sahil and Mr.Akash, Advocates

versus

EMPLOYEES STATE INSURANCE CORPORATION

.....Respondent

Through: Mr.Shlok Chandra, Standing Counsel for
ESIC with Mr.Sankalp Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
25.02.2025

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1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks constitution of an Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate upon the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into two Agreements dated 29.11.2007 and 15.12.2011, Clause 8 whereof provides that disputes with respect to the Agreements shall be resolved through arbitration in accordance with the provisions of the A&C Act. It further provides for the seat of arbitration to be Lucknow/Delhi.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 09.10.2024, issued to the respondent under



Section 21 of the A&C Act.

4. Learned Standing Counsel appearing for the respondent, on instructions, submits that the respondent has no objection to the matter being referred to arbitration.

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

- i) The disputes between the parties under the said agreements are referred to the Arbitral Tribunal.
- ii) Mr. Mritunjay Singh, Advocate (Mob. 9582634444) is appointed as the Sole Arbitrator to adjudicate upon 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 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, need and legality of interim relief, as well as contentions on merits of the dispute by 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.

FEBRUARY 25, 2025

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MANOJ KUMAR OHRI, J