



\$~15

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

+ **ARB.P. 1987/2024**

M/S DESIGN ASSOCIATES INC.

.....Petitioner

**Through: Mr.Arjun Dewan and Mr.Jasraj Singh,
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

%

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 Contract Agreement-I, Contract Agreement-II and Contract Agreement-III dated 29.05.2008, 22.10.2010 and 12.11.2010 respectively, Clause 8.2 of the General Conditions of Contract read with Clause 8.2 of the Special Conditions of Contract of the aforesaid agreements, whereof, provides that disputes with respect to the Agreement shall be resolved through arbitration as per provisions of A&C Act. It further provides for the venue of arbitration to be at New Delhi.



3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 16.10.2024, 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 agreement are referred to the Arbitral Tribunal.
- ii) Mr. Ram Watel, Advocate (Mob. 9810031696) 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 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.

MANOJ KUMAR OHRI, J

FEBRUARY 25, 2025

na