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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 15/2025**

M S HOTCRETE INFRASTRUCTURE PVT LTDPetitioner
Through: **Mr. Lalit Kumar, Advocate.**

versus

M S OXYZO FINANCE SERVICES PVT LTD
& ANR.Respondents
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
04.03.2025

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1. By way of present petition filed under Section 11(5) 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 entered into a MOU dated 23.11.2018, Clause 15 of which provides that disputes with respect to the Agreement shall be resolved through arbitration, to be held in accordance with provisions of the A&C Act and further designates New Delhi as the place of arbitration.
3. The petition is accompanied by notice invoking arbitration dated 19.06.2024 issued to the respondents under Section 21 of the A&C Act.
4. Learned counsel for the petitioner submits that respondents have been served and an affidavit of service has also been filed in this regard. Accordingly, respondents are deemed to be served.



5. Today, neither the respondents are represented, nor any reply has been filed. It appears that the respondents have no objection to the reference of disputes to the Arbitral Tribunal comprising of a Sole Arbitrator. Accordingly, 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. Aditya Malhotra, Advocate (Mob: 9971274278) 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 Arbitrators 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 Arbitrators within two weeks from today.

MANOJ KUMAR OHRI, J

MARCH 4, 2025/ga