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

+ **ARB.P. 60/2025**

M S SURENDRA PAL SINGH AND COMPANYPetitioner

Through: Mr. Yashaswi S.K. Chocksey, Mr.
Vijay Rajput and Mr. Ankit Singh, Advocates.

versus

CNH INDUSTRIAL INDIA PVT LTD AND ANRRespondents

Through: Mr. Niraj Singh and Mr. Deepak
Jaiswal, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

24.04.2025

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1. This petition is preferred on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
2. Petitioner is stated to be a sole proprietorship firm dealing in business of sale of agricultural machinery and products and Respondent is the Company dealing in supply and manufacture of agricultural equipment. It is Petitioner's case that it entered into a Dealership Agreement dated 08.04.2019 with the Respondent for sale, promotion and service of products of the Respondent, such as tractors and other agricultural machinery. On expiry of the Agreement on 07.04.2022, parties entered into a second Dealership Agreement dated 21.04.2022 which was valid upto 07.04.2025.

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3. Disputes having arisen between the parties, Petitioner invoked Arbitration Clause 30 of the Dealership Agreement dated 21.04.2022 and also preferred a petition under Section 9 of 1996 Act before the learned District Judge, Ludhiana, Punjab, which was returned vide order dated 07.11.2024 for want of territorial jurisdiction and Petitioner presented the petition before the Trial Court at Delhi, being O.M.P.(I)(COMM.) 3004/2024 which is stated to be pending. Petitioner submits that in its reply dated 10.10.2024 to Petitioner's notice dated 23.09.2024, Respondent proposed the appointment of the Arbitrator but out of the names given in the panel maintained by it and hence, Petitioner approached this Court as it was no agreeable to a unilateral appointment.

4. Mr. Niraj Singh, appearing on behalf of the Respondents submits on instruction that Respondents have no objection to the appointment of an Arbitrator by this Court but objects to the impleadment of Respondent No. 2, who is an employee of Respondent No. 1 and a non-signatory to the arbitration agreement.

5. Accordingly, with the consent of the parties, Mr. R.P. Pandey, former District and Sessions Judge, (Mobile No. 9810221297), is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. Arbitration proceedings will be held under the aegis of DIAC and as per its Rules. Fee of the Arbitrator shall be fixed as per fee schedule of DIAC Rules 2018.

6. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

7. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open.

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8. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 24, 2025/RW

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