
**Khetal & Agrawal Advisors Through Mr. Kunal Walia Vs Think Design
Collaborative Pvt. Ltd**

Arbitration Petition No. 35 Of 2020

Court: Delhi High Court

Date of Decision: Feb. 28, 2020

Acts Referred:

Arbitration and Conciliation Act, 1996 " Section 11(6), 12#Indian Stamp Act, 1899 " Section 33

Hon'ble Judges: Jyoti Singh, J

Bench: Single Bench

Advocate: T. Srinivasa Murthy, Senthil G., Suriti Choudhary, Manish Tully, V.P. Dalmia, Rajat Jain, Aditya

Final Decision: Disposed Of

Judgement

Jyoti Singh, J

1. This is a petition under Section 11(6) of the Arbitration & Conciliation Act, 1996 (Act) for appointment of a Sole Arbitrator.

2. Disputes have arisen between the parties relating to a Contract entered into between them on 25.01.2017.

3. The said Contract contains an Arbitration Clause, being Clause 15, which reads as under:

a. Any dispute, controversy or claim arising out of or related to this agreement or breach thereof, shall be settled by Arbitration. Conducted

by a Sole arbitrator appointed mutually by both the Parties. The arbitration proceedings shall be conducted in New Delhi and the same

shall be governed by the provisions of the Indian Arbitration and Conciliation Act, 1996 or any statutory modifications as may be then in

force.

4. Notice invoking arbitration was sent by the petitioner on 22.10.2019 seeking the appointment of an Arbitrator. Since there was no response from the

respondent, the present petition has been filed.

5. The respondent has filed a reply. The only objection taken in the reply was that the agreement is not enforceable in law as it is not duly stamped.

Reliance was placed on Section 33 of the Indian Stamp Act to this effect.

6. Learned counsel for the petitioner submits that the agreement is now duly stamped and the penalty has been paid. Copy of the document has been

handed over in Court with an advance copy to the counsel for the respondent who submits that the agreement is now stamped in accordance with

law. Learned counsel, on instruction from the respondent, submits that the respondent has no objection to the Arbitrator being appointed by this Court.

7. Learned counsels for the parties jointly submit that the matter be referred to Delhi International Arbitration Centre (DIAC) to adjudicate

the disputes between the parties. Accordingly the matter is referred to the DIAC for appointment of a Sole Arbitrator.

8. The proceedings would be conducted in accordance with the procedure of the DIAC and under the aegis of the DIAC.

9. The learned Arbitrator shall give disclosure under Section 12 of the Act before entering upon reference.

10. Fee of the Arbitrator shall be fixed as per Fourth Schedule of the Act.

11. Copy of the order be sent to the DIAC for appointment of a Sole Arbitrator.

12. The present petition is accordingly disposed of in the aforesaid terms.