

(2022) 05 DEL CK 0051

In the Delhi High Court

Case No : Arbitration Petition No. 829 Of 2021

Jatayu Enterprises Services Through Its Authorized

Date of Decision : 10-05-2022

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 12

Citation : (2022) 05 DEL CK 0051

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : M.S.Oberoi, Siddharth Sangal, Nilanjani Tandon

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks appointment of an arbitral Tribunal and reference of disputes pursuant to the agreement for provision of caretaking services as per agreement dated 12.05.2012 to the Tribunal.
2. Learned counsel for the respondent submits that the original agreement dated 12.05.2012 was for a limited period and thereafter fresh agreements were executed from time to time.
3. Respondent has filed an additional affidavit contending that after the initial agreement dated 12.05.2012, agreements were signed in 2014 on a stamp paper dated 16.08.2014 and thereafter signed on 30.04.2015 and 01.05.2016.
4. Perusal of the agreement filed by the petitioner as also by the respondents shows that all the agreements contain identical arbitration clauses.
5. Learned counsel for the respondent submits that some of the claims are barred by limitation and he reserves the right to raise the dispute with regard to maintainability as well as limitation before the arbitral tribunal.
6. It is thus clear that parties have agreed to settle all their disputes through the process of arbitration. Consequently, the parties are referred to arbitration.

7. With the consent of the parties and without prejudice to their rights and contentions, Mr. J.P.Sengh, Senior Advocate (Mobile # +91 98100 34286) is appointed as the Sole Arbitrator to adjudicate the claims and counter claims, if any, of the parties.
8. The fees of the learned Arbitrator shall be as per the Fourth Schedule of the Arbitration and Conciliation Act, 1996.
9. The Arbitrator shall furnish the requisite disclosure under section 12 of the Arbitration and Conciliation Act, 1996 within two weeks of entering reference.
10. Petition is disposed of in the above terms.