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

+ ARB.P. 264/2017 & IA No. 4681/2017

BIRBAL ACADEMY AND PUBLICATIONS PVT
LTD. & ANR.

..... Petitioners

Through: Mr. Sushil K Tekriwal with Dr.
Mamta Tekriwal, Advocate

versus

CHANDAN KUMAR JHA & ANR.

..... Respondents

Through: Mr. M M Bhardwaj, Advocate for
Respondent No.1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.04.2017

1. The petitioners have filed the present petition under Section 11 of the Arbitration the Arbitration & Conciliation Act, 1996 (hereinafter referred to as 'the Act'), praying that an arbitrator be appointed to adjudicate the disputes which have arisen between the parties in relation to a "Contract of Employment" dated 27.10.2007.

2. Clauses 24 and 25 of the said agreement are relevant and are quoted below:-

“24. In case of any legal dispute the jurisdiction shall fall in Delhi, India. Indian laws shall be applicable.

25. In the event that any legal dispute arises between the parties (British Lingua and the employee of British Lingua) the above said dispute shall be referred to Sanjay Singh Thakur, Advocate, Patna and he shall act as sole arbitrator to adjudicate the dispute between the above mentioned parties.”

3. The learned counsel for the petitioners states arbitration clause was

invoked by a letter dated 19.11.2016. However, the arbitrator named in the arbitration has declined to enter the reference. The learned counsel for the respondents also requests that an independent arbitrator be appointed. The said request is not opposed.

4. In view of the above, Mr. Hemant Singh, Advocate (Mobile No. 9811051498) is appointed as the sole arbitrator to adjudicate the disputes between the parties. This is subject to the arbitrator making the necessary disclosure under Section 12(1) of the Act and not being ineligible under Section 12 (5) of the Act. The arbitrator shall fix his fee in consultation with the counsel for the parties.

5. The parties are at liberty to approach the arbitrator for eliciting the necessary disclosure and for further proceedings.

6. The petition and the pending application stand disposed of.

APRIL 18, 2017
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VIBHU BAKHRU, J.