

2023:PHHC:129463

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-593-2021 (O&M)
Date of Decision:-5.10.2023

Global Kcloud Infotech Private Limited ... Petitioner
Versus
Sion Indulkar ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Garg, Advocate for the petitioner.

Mr. Devinder Kumar, Advocate for
Mr. Sandeep Jain, Advocate for respondent.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking appointment of an Arbitrator in terms of provisions of Section 11 of Arbitration and Conciliation Act, 1996.
2. A few facts necessary to notice for disposal of this petition are that the respondent – Sion Indulkar was employed by the petitioner - Global Kcloud Infotech Private Limited as a ‘Salesforce Developer’. The respondent was duly informed about various terms and conditions alongwith data privacy policies of the petitioner - company. One of the main preconditions of employment was to adhere to the terms of employment/bond agreement and data privacy policies of the petitioner – company. The respondent agreed to adhere to the terms and conditions of employment and pursuant to said understanding an agreement dated 29.3.2019 (Annexure P-1) was entered into

between the petitioner and the respondent. However, a dispute having arisen, the petitioner seeks to invoke arbitration.

3. Clause - 5 of the agreement dated 29.3.2019 (Annexure P-1) provides for dispute resolution through 'Arbitration'. The clause also provides that any dispute related with the agreement shall be subject to Faridabad jurisdiction only.
4. The petitioner - Global Kcloud Infotech Private Limited served legal notice dated 8.9.2021 (Annexure P-2) upon the respondent - Sion Indulkar for recovery of an amount of Rs.2,50,000/- as well as for seeking invocation of arbitration clause and for appointment of an independent Arbitrator, but to no avail.
5. Since, the agreement specifically provides for resolution of disputes by way of arbitration and the petitioner had already served legal notice dated 8.9.2021 (Annexure P-2) upon the respondent so as to invoke arbitration clause, the instant petition is hereby accepted.
6. Accordingly, Shri K.C. Sharma, District & Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Shri K.C. Sharma, District & Sessions Judge (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.
8. The Arbitrator may conduct proceedings at Arbitration Centre, Chandigarh or at any other place convenient to all concerned.

9. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 30.10.2023 at 11:00 A.M. or any other date suitable to all concerned.
10. A copy of this order be sent to the appointed Arbitrator at the given address :

BB-2, VILLA-3, Ground Floor, VIP Floors,
Sector 81, Faridabad, Haryana.
Phone Nos.89303-37700 and 79883-11414.
11. The petition is accordingly disposed of in the above mentioned terms.

5.10.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No