



\$~7 to 25

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

+ **ARB.P. 213/2024**

POONAM JAIN & ANR.

..... Petitioners

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E CORP SOLUTION PRIVATE LIMITED &
ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

8

WITH

+ **ARB.P. 268/2024**

PARVEEN KUMARI & ORS.

..... Petitioners

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E-CORP SOLUTION PRIVATE LIMITED
& ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

9

WITH

+ **ARB.P. 269/2024**

RAJBIR SINGH

..... Petitioner

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus



AXIS E-CORP SOLUTION PRIVATE LIMITED
& ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

10

WITH

+

ARB.P. 270/2024

CHARANJEET KAUR & ORS.

..... Petitioners

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E CORP SOLUTION PRIVATE LIMITED
& ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

11

WITH

+

ARB.P. 271/2024

GIRISH CHANDRA & ORS.

..... Petitioners

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E-CORP SOLUTION PRIVATE LIMITED
& ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

12

WITH

+

ARB.P. 272/2024

JOT SINGH CHAUHAN

..... Petitioner



Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E-CORP SOLUTION PRIVATE LIMITED
& ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

13
+

WITH
ARB.P. 273/2024

SANJAY KUMAR

..... Petitioner

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E-CORP SOLUTION PRIVATE LIMITED
& ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

14
+

WITH
ARB.P. 274/2024

SANDHAYA AGARWAL & ANR.

..... Petitioners

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E CORP SOLUTION PRIVATE LIMITED
& ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of



respondents no1 to 4.

15

+

WITH
ARB.P. 275/2024

GEETA GUPTA & ANR.

..... Petitioners

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E CORP SOLUTION PRIVATE LIMITED
& ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

16

+

WITH
ARB.P. 276/2024

MRIDULA SHARMA & ANR.

..... Petitioners

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E-CORP SOLUTION PRIVATE LIMITED & ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

17

+

WITH
ARB.P. 277/2024

PRANSHUK JAIN & ORS.

..... Petitioners

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E-CORP SOLUTION PRIVATE LIMITED
& ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.



Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

18

+

WITH
ARB.P. 278/2024

PRAKASH CHANDRA OLI

..... Petitioner

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E-CORP SOLUTION PRIVATE LIMITED
& ORS.

..... Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

19

+

WITH
ARB.P. 279/2024

KALAWATI CHAND

..... Petitioner

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E CORP SOLUTIONS PVT. LTD. & ORS. Respondents

Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

20

+

A
RB.P. 280/2024
HARSH GUPTA & ANR.

..... Petitioners

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus



AXIS E CORP SOLUTIONS PVT. LTD. & ORS. Respondents
Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

21
+

WITH
ARB.P. 281/2024

RENU SHARMA Petitioner

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E CORP SOLUTIONS PVT. LTD. & ORS. Respondents
Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

22
+

WITH
ARB.P. 282/2024

ANJALI RAI Petitioner

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E CORP SOLUTION PRIVATE LIMITED
& ORS. Respondents
Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

23
+

WITH
ARB.P. 283/2024

AJAY AGARWAL & ANR. Petitioners

Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).



versus

AXIS E CORP SOLUTIONS PVT. LTD. & ORS. Respondents
Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

24
+

WITH
ARB.P. 301/2024

REKHA DEVI Petitioner
Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E CORP SOLUTIONS PRIVATE LIMITED
& ORS. Respondents
Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

25
+

WITH
ARB.P. 302/2024

NAVAL KISHORE JOSHI Petitioner
Through: Mr. Arjun Sawhney & Mr Gaurav
Modwil, Advs. (9898810111).

versus

AXIS E CORP SOLUTIONS PRIVATE LIMITED
& ORS. Respondents
Through: Mr. Sunil Kumar Tomer & Mr.
Naved Khan, Advocates along with
Mr. Devender Singh, AR of
respondents no1 to 4.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **25.04.2024**



1. This hearing has been done through hybrid mode.
2. These are a batch of arbitration petitions filed by the Petitioners under Section 11(6) of the Arbitration and Conciliation Act, 1996 (*hereinafter, 'the Act'*) seeking appointment of a sole arbitrator.
3. These batch of petitions arise out of a Joint Venture Agreement (*hereinafter, 'the Agreement'*). By the said Agreement, the Respondent No.1 - Axis E-Corp Solutions Pvt. Ltd. and the Petitioners entered into a Joint Venture Agreement for setting up of an 'e-store' for selling products of various renowned brands. According to the Petitioners, a definite investment of a fixed sum was made in the said store. As per the Petitioners, the Respondent No.1, along with the directors- impleaded as Respondent Nos. 2-4, did not render services in terms of the said Agreement. According to the petitions, the monthly payments were also not made.
4. In each of the petitions, it is stated that the Petitioners tried to reach the Respondents in regard to the non-payment, however, neither the Respondents, nor any of their representatives could be contacted.
5. Further, in each of the petitions, the said Agreement consists of an arbitration clause, which provides Delhi as jurisdiction. The Petitioners, in each of the petitions are stated to have sent a sent notice invoking arbitration proceedings in terms of Section 21 of the Act. Further, as per the chart handed over by the Respondents in Court, it is stated that the Respondents have replied to the said notice in all petitions, except in **ARB. P. 301/2024**. In the reply of the Respondents to the said notice, the breach of the said Agreement has been disputed, and consent has not been given for arbitration.



6. The facts of each of the petition are encapsulated as provided in the table below:

<u>Arbitration Petition No.</u>	<u>Name</u>	<u>%age</u>	<u>Amount Involved</u>	<u>Date of Agreement</u>	<u>Reply to Notice</u>
ARB. P. 213/2024	Mrs. Poonam Jain	50	25,00,000	03.12.2021	Yes
	Mrs. Radha Kaushik	50			
ARB.P. 268/2024	Mrs. Parveen Kumari	25	25,00,000	15.12.2021	Yes
	Mrs. Madhu Saini	25			
	Mrs. Deepika	25			
	Mrs. Babita	25			
ARB.P. 269/2024	Mr. Rajbir Singh	100	25,00,000	01.10.2021	Yes
ARB.P. 270/2024	Mrs. Charanjeet Kaur	25	25,00,000	06.04.2022	Yes
	Mr. Sohan Singh	25			
	Mr. Chaman Lal	25			
	Mr. Rajinder Singh	25			
ARB. P. 271/2024	Girish Chandra,	50	50,00,000	06.06.2022	Yes
	Meena Bhainsora,	25			
	Pooja Tamta	25			
ARB.P. 272/2024	Mr. Jot Singh Chauhan	100	50,00,000	10.01.2022	Yes



ARB.P. 273/2024	Mr. Sanjay Kumar	100	25,00,000	14.12.2021	Yes
ARB.P. 274/2024	Mrs. Sandhaya Agarwal	50	50,00,000	13.05.2022	Yes
	Mr. Vaibhav Agarwal	50			
ARB.P. 275/2024	Mrs. Geeta Gupta	50	25,00,000	06.06.2022	Yes
	Mr. Ashvani	50			
ARB.P. 276/2024	Mrs. Mridula Sharma	50	50,00,000	05.05.2022	Yes
	Mrs. Kaushal Vats	50			
ARB.P. 277/2024	Mr. Pranshuk Jain	50	50,00,000	21.12.2021	Yes
	Mrs. Sucheta Chokra	25			
	Mrs. Preeti Saini	25			
ARB.P. 278/2024	Mr. Prakash Chandra Oli	100	25,00,000	05.07.2021	Yes
ARB.P. 279/2024	Mrs. Kalawati Chand	100	22,50,000	22.12.2020	Yes
ARB.P. 280/2024	Mr. Harsh Gupta	50	25,00,000	28.08.2021	Yes
	Mrs. Saleha Tabastum	50			
ARB.P. 281/2024	Mrs. Reenu Sharma	100	25,00,000	15.12.2021	Yes
ARB.P. 282/2024	Ms. Anjali Rai	100	25,00,000	11.07.2022	Yes



ARB.P. 283/2024	Mr. Ajay Agarwal	50	35,00,000	25.11.2021	Yes
	Mrs. Manisha Agarwal	50			
ARB. P. 301/2024	Mrs. Rekha Devi	100	25,00,000	11.07.2022	No
ARB. P. 302/2024	Naval kishore Joshi	100	30,00,000	22.01.2022	Yes

7. Notice was issued in these matters and Respondents have entered appearance. The arbitration clause in each of the petitions is not in dispute. Accordingly, the Respondents also pray that the matters be referred to mediation.

8. By way of illustration in **ARB.P. 213/2024**, arbitration clauses 1 to 3 of the said Agreement read as under:-

“1. Any dispute, differences, or disagreements, by whatever name called, that may arise in relation to this Agreement between the parties shall be resolved by mutual discussion between the authorized signatories of the Parties, or by other person as the parties may decide. If the dispute remains unresolved for a period of 14 (fourteen) business days from the date on which the said authorized signatories (or such person) have exchanged communication in this regard parties may refer such dispute to the Arbitrators appointed by the First party/Company.

2. It has been agreed between the parties that the decision of the Arbitration shall be final and applicable on both the parties.



3. That the language of the Arbitration Proceeding shall be English Only and shall be held at Delhi only.”

9. All the other arbitration petitions in the present batch of matters also contain the same arbitration clause. As per the said clauses, the disputes are to be resolved by mutual discussion and if the same are unresolved, the parties are free to refer the disputes to arbitration.

10. Heard. Since there is no consensus between the parties, the disputes underlying the present batch of petitions are referred to ***Justice A.K. Chawla (Retd.) (M: 9910384636)*** who shall act as the Id. Sole Arbitrator. This reference pertains to all the above 19 petitions that share similar facts.

11. In view of the fact that the same Id. Sole Arbitrator, who shall be in *seisin* of disputes in the present batch of matters, for the purpose of fee, the matters shall be treated as one petition for reference for arbitration. The claimed amounts shall be consolidated, and fees shall be paid according to the Fourth Schedule of the 1996 Act, as amended by the DIAC Rules, 2023. The matter is referred to the Delhi International Arbitration Centre (*hereinafter, 'DIAC'*), and the arbitration shall be conducted under the aegis of the DIAC.

12. List before the DIAC on 30th July, 2024.

13. At this juncture, the Respondents submit that they would like to explore amicable resolution of the disputes with each of the Petitioners. For this purpose, the matter is being referred for mediation under the aegis of the Delhi High Court Mediation and Conciliation Centre (*hereinafter, 'DHCMC'*) to enable the parties to arrive at a comprehensive settlement of disputes. If the disputes are not resolved between the parties before the DHCMC, the Id. Sole Arbitrator, appointed above, shall enter reference.



14. List before the DHCMC for the above purpose on 2nd May, 2024 at 3.00 pm.
15. If the disputes are resolved, since the bank accounts are frozen by the Economic Offences Wing ('EOW'), the Respondents are permitted to approach the appropriate Court for de-freezing of the accounts for the sole purpose of payment of settled amount(s) with the Petitioners.
16. Petitions are disposed of. All the applications are also disposed of.
17. Let a copy of the present order be emailed to Secretary, DIAC on email id- delhiarbitrationcentre@gmail.com.

PRATHIBA M. SINGH, J

APRIL 25, 2024

A/DN