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

+ **ARB.P. 374/2024**

HENRY HARVIN INDIA EDUCATION LLPPetitioner

Through: **Ms. Anam Siddiqui, Adv.**

versus

ABHISHEK SHARMA & ORS.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

01.10.2024

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1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of a sole arbitrator to adjudicate the dispute between the parties.
2. The petitioner is an education technology firm offering professional certification diploma/degree programs online and offline.
3. The respondent Nos. 1-7 sought employment with the petitioner and separate employment agreements were signed between the parties.
4. The dates of the Employment Agreements are as under:-

<i>S. No.</i>	<i>Respondent</i>	<i>Agreement Date</i>
<i>1.</i>	<i>Abhishek Sharma (R-1)</i>	<i>13.03.2023</i>
<i>2.</i>	<i>Sameer Bose (R-2)</i>	<i>10.03.2023</i>
<i>3.</i>	<i>Harish Mishra (R-3)</i>	<i>10.03.2023</i>



4.	<i>Ravi Kumar (R-4)</i>	<i>29.06.2023</i>
5.	<i>Dipshikha Singh (R-5)</i>	<i>13.03.2023</i>
6.	<i>Sudhir Kumar (R-6)</i>	<i>13.10.2021</i>
7.	<i>Prem Chandra Mishra (R-7)</i>	<i>04.05.2023</i>

5. The Employment Agreements contain an arbitration clause, being Clause 14.1, which read as under:-

“Dispute Resolution

14.1. In the event of any disputes, differences, controversies and questions directly or indirectly arising at anytime hereafter between the Parties or their respective representatives or assigns under, out of, in connection with, or in relation to, this Agreement (or the subject matter of this Agreement) including, without limitation, all disputes, differences, controversies and questions relating to the validity, interpretation, construction, performance and enforcement of any provision of this Agreement, or as to rights, liabilities or duties of the Parties (here in after referred to as a Dispute”), the same shall be referred to binding arbitration at the request of any Party, in writing, in accordance with the 'Arbitration and Conciliation Act, 1996 or any statutory modification or alteration thereof for the time being in force. The arbitral tribunal shall comprise I(one) arbitrator to be appointed by the Firm, whose decision in relation to any such Dispute shall be final and binding on the Parties hereto.”

6. Since the respondents violated the terms of the Employment Agreements, the petitioner invoked arbitration vide Legal Notice dated 03.11.2023.

7. Thereafter, the petitioner has filed the present petition and notice was issued on 18.03.2024.



8. The petitioner has handed over an Affidavit of Service, which is taken on record, wherein respondent Nos. 1,3,4,7 have been served at their respective email ids. The Respondent Nos. 2,5,6 were already been served as per Affidavit of Service dated 01.07.2024.

9. Despite service, there is nobody appearing for the respondent.

10. The separate disputes between the petitioner and each of the respondents (seven separate disputes and seven separate references) are referred to the sole arbitrator.

11. For the said reasons, the petition is allowed and the following directions are issued:-

- i. Mr. Sunil Kumar Mittal, Advocate (Mob. No. 9811040423) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii. The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
- iii. The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
- iv. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- v. It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-



claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

- vi. The parties shall approach the learned Arbitrator within two weeks from the date of upload of this order.
12. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

OCTOBER 1, 2024/NG