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

+ **O.M.P.(I) (COMM.) 104/2024**

SH. BALJEET SINGH GILL PROPRIETOR

M/S GIANI RAM TAXI SERVICE

..... Petitioner

Through: Mr. Deepak Acharya, Advocate.

versus

M/S EXL SE RVICE.COM(INDIA)

PRIVATE LIMITED

..... Respondent

Through: Ms. Sanyukta Gupta & Ms. Srishti Bajpai, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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05.04.2024

I.A. 7711/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

O.M.P.(I) (COMM.) 104/2024

1. The petitioner has filed this petition under Section 9 of the Arbitration and Conciliation Act, 1996 [“the Act”], for interim measures of protection in anticipation of arbitration proceedings under an agreement dated 30.11.2022, by which the petitioner was engaged to provide cab/transport services to the respondent and its employees.

2. At the very outset, Ms. Sanyukta Gupta, learned counsel, enters appearance upon advance notice, and states that the disputes between the



parties may be referred to arbitration of an independent arbitrator appointed by this Court.

3. Mr. Deepak Acharya, learned counsel for the petitioner, has no objection to this request and submits that the present petition may be treated as an application under Section 17 of the Act before the learned arbitrator.

4. As learned counsel for the parties have requested for appointment of an arbitrator in these proceedings itself, the petition is disposed of, with the consent of learned counsel for the parties, with the following directions:-

- a. The disputes between the parties under the agreement dated 30.11.2022 are referred to the arbitration of Hon'ble Ms. Justice Asha Menon, former Judge of this Court [Tel: 9910384664].
- b. Arbitration proceedings will be conducted under the aegis of Delhi International Arbitration Centre, Shershah Road, New Delhi-110503 ["DIAC"], and will be subject to the Rules of DIAC, including as to the remuneration of the learned arbitrator.
- c. The learned arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
- d. The present petition will be treated as an application under Section 17 of the Act before the learned arbitrator. The respondent will file its response to the application within one week from today, or immediately upon the arbitrator entering into the reference, whichever is later. The parties may also request the learned arbitrator to take up the proceedings under Section 17 of the Act as expeditiously as possible, at least for the purposes of *ad interim*



orders.

e. Any further action taken pursuant to the impugned termination of the agreement by the respondent will be subject to the orders of the learned arbitrator.

5. It is made clear that all rights and contentions of the parties on maintainability of the claims and on merits are left open for adjudication by the learned arbitrator.

6. The petition stands disposed of with these directions.

7. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

APRIL 5, 2024

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