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

+ **ARB.P. 607/2024**

GANDHI EDUCATIONAL TRUST

..... Petitioner

Through: Mr. Prashant Singh, Mr. Ashish
Pandey, Advs.

versus

MAULANA AZAD EDUCATION FOUNDATION Respondent

Through: Ms. Iram Majid, standing counsel for
CG with Ms. Vidhi Adv GP and Mohd
Suboor advocate.(VC)
Mohd Waquas Advocate for Maulana
Azad Education Foundation(VC)

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

07.05.2024

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I.A. 10311/2024 (exemption)

Exemption is allowed subject to all just exceptions.

ARB.P. 607/2024

1. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of Sole arbitrator for adjudication of disputes inter se the parties. The parties have entered into the Memorandum of Understanding (MOU) dated 07.06.2019. Clause -9.4 of the MOU provides the arbitration clause with the jurisdiction at New Delhi. The arbitration has been invoked vide notice dated 23.10.2023.
2. Issue notice.



3. Mohd Waquas, learned counsel for the respondent accepted the notice.
4. Learned counsel submits that keeping all his contentions open, the matter may be referred to the arbitration.
5. In view of the submissions made above and keeping all the contentions of the respondent open to be taken up during the arbitration proceedings, the matter may be referred to the arbitration.
6. The claim amount is around Rs.3,39,36,240/-.
7. In view of the above, the present petition is disposed of with the following directions:
 - i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
 - ii) Mr. I.A.Ansari, Former Chief Justice of Patna High Court is appointed as sole Arbitrator to adjudicate the disputes between the parties.
 - iii) 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'). The remuneration of the learned Arbitrator shall be in terms of Schedule IV of the A&C Act or as agreed between the parties.
 - 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 on merits of the dispute



of either of the parties, are left open for adjudication by the learned arbitrator.

vi) The petitioner shall approach the learned arbitrator within two weeks from today.

8. The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

MAY 7, 2024

Pallavi