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

+ **ARB.P. 699/2024**

SAURAV CHOUDHURY

.....Petitioner

Through: **Mr. Shashwat Awasthi, Mr. Debarshi
Chakraborty, Mr. Kartik Gupta, Advs.**

versus

BEAMER FOOD AND BEVERAGES PVT LTDRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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09.08.2024

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 disputes between the parties.
2. The facts are that the petitioner had applied for the position of Head of Operation Bigg cafe and Gourmet (Bangalore) and after due selection process the petitioner was hired by the respondent and the parties entered into an Employment Contract dated 05.09.2023.
3. In terms of the Employment Contract dated 05.09.2023, the annual remuneration of the petitioner was fixed at Rs. 24 lakhs subject to tax deduction at source and other statutory deductions.
4. Subsequently, the petitioner in order to resign from the Respondent company, served an E- mail followed by a Resignation Notice and resigned from his job.
5. Since certain disputes arose between the parties regarding dues of the



petitioner payable by the respondent company, the petitioner invoked arbitration under section 21 of the Arbitration and Conciliation Act, 1996 *vide* Legal Notice dated 29.03.2024, however the respondent did not respond to the said Legal notice.

6. Hence the present petition is filed.

7. The Employment Contract contains the arbitration clause being Clause T, which reads as under:-

*“t) **Dispute Resolution and Governing Law:** Parties shall endeavour to amicably resolve all disputes arising hereunder. Thereafter, parties may refer the matter to arbitration in accordance with the terms of the Arbitration and Conciliation Act, 1996 for proceedings carried out by a court appointed arbitrator. The courts at New Delhi shall have the exclusive jurisdiction to preside on matters arising hereunder.”*

8. When the matter came up for hearing on 20.05.2024, the notice was issued upon the respondent.

9. Mr. Awasthi, learned counsel for the petitioner has drawn my attention to the information of the respondent company downloaded from Ministry of Corporate Affairs, wherein the e-mail id of the respondent is shown as “abilash.bellur@gmail.com”.

10. In addition, he also has drawn my attention to the affidavit of service, wherein notice has been served at the above E-mail id of the respondent company.

11. I am satisfied that the respondent has been served and despite service there is no appearance on behalf of the respondent.

12. For the said reasons, the petition is allowed with the following directions:-



- i) Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC') shall appoint the Sole Arbitrator.
- ii) The arbitration will be held under the aegis of DIAC. The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) 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.
- v) The parties shall approach the learned Arbitrator within two weeks from today.

JASMEET SINGH, J

AUGUST 9, 2024/NG

Click here to check corrigendum, if any