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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 706/2024

KANTI KUMAR LODHA JAIN

..... Petitioner

Through: Mr. Anuj Jain, Mr. Mani Bhadra Jain
and Mr. Mritunjay, Advs.

versus

ALL INDIA SWETAMBER STHANAKWASI JAIN
CONFERENCE & ORS.

..... Respondent

Through: Mr. P.D. Gupta, Sr. Adv. with Mr.
R.S. Tomar, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

29.05.2024

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1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of a sole Arbitrator to adjudicate the disputes between the parties.
2. The brief facts are that the petitioner was nominated as a member of the Board of Trustees of respondent No. 1 in the meeting of the National Executive Committee held on 19.03.2023.
3. It is further stated that the respondent No. 1 illegally and malafidely issued a Letter dated 08.03.2024, dissolving the existing Board of Trustee and removing the petitioner from the Board of Trustees.
4. The petitioner has challenged the said termination and invoked arbitration *vide* Legal Notice dated 21.03.2024.
5. Owing to the disputes between the parties, the present petition has been filed.



6. In the present case, the respondent No. 1 is a society registered under the Societies Registration Act, 1860 and has been in existence for more than 100 years.

7. The respondent No. 1 is governed by its rules and regulations, particularly called Central Rules and ByLaws. The Article 20 of the said rules contained the Arbitration Clause which reads as under:-

“20. Arbitration: - For any dispute in the Jain Conference, the complainant must first make a complaint to the National President of the Jain Conference. If the complainant is not satisfied with the decision of the National President¹ they will get their complaint lodged to the National Management Committee. On receipt of the complaint, the National Management Committee will deliberate and form the Arbitration Committee. If they are not satisfied with the decision of the Arbitration Committee, they will be able to go for further legal proceedings.”

8. The Respondent No. 1 has not filed any reply.

9. Mr. Gupta, learned senior counsel appearing for respondent No. 1 states that in a similar matter ARB. P. 730/2023 this Hon’ble Court had appointed Mr. Sunil Kumar Aggarwal, former District Judge as an Arbitrator to adjudicate the disputes to which, Mr. Mani Bhadra Jain, learned counsel for the petitioner (in the present case) had agreed to. He states the present disputes be also referred to avoid conflicting judgments.

10. Mr. Jain, learned counsel for the petitioner states that the order dated 08.11.2023 was a consent letter and cannot be considered as a binding precedent.

11. He further states that disputes in petition ARB. P. 730/2023 and the



disputes in the present petition are totally different and his clients are not agreeable to referring the disputes to Mr. Sunil Kumar Aggarwal, Former District Judge.

12. I have heard learned counsels for the parties.

13. In the present case, the arbitration clause is not in dispute, and the fact that there are disputes pending between the parties is also an admitted position.

14. I am of the view that the order dated 08.11.2023 was a consent order and cannot be a binding precedent on the petitioner and hence, I am inclined to allow the petition and refer the dispute to another sole Arbitrator.

15. Since the subject matter of the dispute is incapable of pecuniary valuation, with consent of the parties, it is directed that the arbitrator shall be entitled to charge a fee of Rs. 20,000/-, subject to a maximum of 20 hearings, to be shared equally between the petitioner and respondent No. 1.

16. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-

- i) Mr. Baljit Singh Dhir (Adv.) (Mob. No. 7827878187) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into reference.
- iii) 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.



iv) The parties shall approach the learned Arbitrator within two weeks from today.

17. The petition is allowed and disposed of in the aforesaid terms.

JASMEET SINGH, J

MAY 29, 2024/NG

Click here to check corrigendum, if any