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

+ **ARB.P. 707/2024**

UJJWAL GAUR

.....Petitioner

Through: Mr. Kartik Sandal, Ms. Raveena
Dewan, Mr. Abhishek Mishra, Mr.
Rohan Sandal and Ms. Jyoti, Advs.

versus

I2CURE PRIVATE LIMITED

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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17.09.2024

1. This is a petition filed under Sections 11(5) and (6) of the Arbitration and Conciliation Act, 1996 seeking appointment of the Sole Arbitrator to adjudicate the disputes between the parties.
2. The respondent issued an Appointment Letter appointing the petitioner as "*Motion Graphics and Video Editor*" on 07.01.2022. It is stated that from July, 2023 the petitioner has not been paid salary. The petitioner sent Legal Notice on 17.10.2023 and subsequently tendered his resignation.
3. The arbitration clause is Clause 24 which reads as under:

"24. ARBITRATION:

Provided further that if any dispute arising under this Agreement, then such dispute shall be referred to arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 as may be amended or its re-enactment, by a sole arbitrator, appointed by the



Company. The arbitration proceeding shall be conducted in the English language. The award passed by the arbitrator shall be final and binding on the Parties. The costs of such arbitration shall be borne by the losing Party or otherwise as determined in the arbitration award. The venue of the arbitration shall be the city in which the Company's Office is situated or such other place as may be determined by the Company. If a party is required to enforce an arbitral award by legal action of any kind, the party against whom such legal action is taken shall pay all reasonable costs and expenses and attorney's fees, including any cost of additional litigation or arbitration taken by the party seeking to enforce the award."

4. Since the petitioner was not paid his dues, the petitioner invoked arbitration vide Legal Notice dated 30.03.2024.

5. Mr. Sandal, learned counsel for the petitioner has drawn my attention to the Master Data of the respondent as available on the website of the MCA showing the email id as anil@i2cure.com. As per the Affidavit of Service, the respondent has been served through said email.

6. I am satisfied that the respondent has been served. Despite service, there is nobody appearing.

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

- i) The Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC') shall appoint an Advocate as an Arbitrator from its list of empanelled Advocates to adjudicate the disputes between the parties.



- ii) The arbitration will be held under the aegis of 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, is left open for adjudication by the learned arbitrator.
 - vi) The parties shall approach the learned Arbitrator within two weeks from today.
8. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

SEPTEMBER 17, 2024

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[Click here to check corrigendum, if any](#)