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

+ **ARB.P. 774/2024**

AAKASH EDUCATIONAL SERVICES LIMITED.....Petitioner

Through: **Mr. Pranav Proothi, Ms. Manasi
Chatpalliwar, Advs.**

versus

DILIP KUMAR

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

16.08.2024

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1. This is a petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 seeking appointment of Sole Arbitrator for adjudicating the disputes between the parties.
2. The facts are that the petitioner is a company running coaching institutes for students preparing for competitive examinations and the respondent was employed as a senior lecturer in Chemistry department w.e.f. 01.08.2022. The same was formalised by way of an appointment letter dated 01.08.2022.
3. Since certain disputes arose between the parties, the petitioner invoked arbitration under Section 21 of the Arbitration and Conciliation Act, 1996 *vide* legal notice dated 26.04.2024.
4. The arbitration clause is clause 10.2.1 of the employment terms and conditions of service which reads as under:



“10.2 GOVERNING LAW AND DISPUTE RESOLUTION

10.2.1 That the Parties agree that this ETC shall be construed in accordance with the laws in force in India and in the eventuality of any dispute or difference (including in the eventuality of violation of the Agreement by any party) should arise on any matter relating to or arising out of the present Agreement, the same shall be referred to the arbitration within 60 days of either party notifying the other party to the Agreement of such dispute, for adjudication under the provisions of Arbitration and Conciliation Act, 1996. Parties hereby mutually agree to appoint Mr. Arun Batta, Advocate, Chamber No. - 385, Lawyer's Chamber. Block II, Delhi High Court, New Delhi-110003, as sole arbitrator for adjudication of disputes between the parties, whose decision shall be final and binding upon the parties. The sole Arbitrator shall conduct the arbitration proceedings at Delhi.”

5. The matter came up for hearing on 28.05.2024 and notice was issued.
6. The respondent has been served and Vakalatnama also filed on his behalf. However, there is no appearance on behalf of the respondent.
7. For the said reasons, the petition is allowed and disposed of with the following directions:
 - i) Ms. Anju Bhattacharya, Adv. (Mob. No. 9868100045) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) 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 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 16, 2024/DM

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