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

+ **ARB.P. 1129/2023**

MS. ANILA BHATIA CHEEMA

..... Petitioner

Through: Mr. S.S. Wadhwa, Ms. Nancy Jain,
Advs.

versus

M/S. ZEXUS AIR SERVICES PVT. LTD.

..... Respondent

Through: Ms. Sukriti Verma, Mr. Hariom
Sharma, Mr. Sanjay Verma, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

31.01.2024

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1. This is a petition seeking appointment of an Arbitrator to adjudicate all the disputes between the parties in terms of Clause 30(1) of the Appointment Letter dated 06.11.2019, which reads as under:-

“Governing Law and Jurisdiction

I. Both the parties to the agreement shall endeavour to resolve any dispute arising out of this appointment through mutual consultation and negotiation failing which it may be referred to the Sole Arbitrator to deal with the matter as per Arbitration and Reconciliation Act of India.

II. This Pilot appointment and any amendments hereto shall be governed and construed in accordance with the laws of India without regard to the principles of conflict of laws. The Company and the Pilot agree that any dispute of whatsoever nature between a Pilot and the Company shall be subject to the exclusive jurisdiction of the Courts of Delhi As a token of acceptance of the terms and conditions of the employment as set out above, please rerum the duplicate copy of this letter duly signed by you.”

2. Ms. Sukriti, learned counsel for the respondent has handed over the reply to the instant petition in Court today and states that the agreement



dated 06.11.2019 was superseded by an employment agreement dated 25.11.2021, wherein all prior understanding agreements and correspondences stood superseded. Hence, she states that there is no arbitration agreement subsisting between the parties.

3. Mr. Wadhwa, learned counsel for the petitioner states that in view of the objections taken by the respondent, the petitioner would file a Civil Suit for recovery of this amount in accordance with law.

4. Granting that liberty to the petitioner, the present petition is disposed of as withdrawn.

5. The reply to the instant petition handed over in Court today is taken on record.

JASMEET SINGH, J

JANUARY 31, 2024/NG

Click here to check corrigendum, if any