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

+ **O.M.P. (T) (COMM.) 80/2024**

EXTRAMARKS EDUCATION INDIA PVT LTDPetitioner

Through: Mr Zeeshan Hashmi and Mr Ankit
Parashar, Advs.

versus

GUWAHATI PUBLIC SCHOOL & ANR.Respondents

Through: Mr Nabajit Barman and Mr Diganta
Gogoi, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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23.09.2024

1. This is a petition filed under Section 14 read with Sections 15 and 11(6) of the Arbitration and Conciliation Act, 1996 seeking substitution of the Arbitrator.
2. My attention has been drawn to e-mail dated 16.01.2024 whereby the appointed arbitrator has recused himself from the arbitration.
3. The arbitration clause is contained as Clause 13 of the Agreement dated 11.12.2017 and the same reads as under:

“13. Governing Law, Jurisdiction and Dispute Resolution

This Agreement shall be governed by the laws of India and courts situated at Delhi alone shall exercise exclusive jurisdiction. Any disputes arising out of this Agreement shall be referred to a sole arbitrator to be appointed by EM. The School agrees that the fact



that the sole arbitrator shall be appointed by EM shall not be used by the School to raise pleas of bias or prejudice against the sole arbitrator.”

4. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 18.12.2023 and thereafter, the Arbitrator was appointed by mutual consent.

5. Mr Burman, learned counsel appears for the respondents and states that he has no objection to the petition being allowed.

6. For the reasons noted above, the petition is allowed and the following directions are issued:-

- i) Mr. Shobhit Jain, Advocate (Mob. No. 9818668068) 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’).
- 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, are left open



- for adjudication by the learned arbitrator.
- vi) The parties shall approach the learned Arbitrator within two weeks from today.
7. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

SEPTEMBER 23, 2024

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