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

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Decision delivered on: 28.08.2024

+ **FAO (COMM) 169/2024 & CM Nos.49282-83/2024**

VINKAL CHADHA

.....Appellant

Through: Mr Ankit Jain, Mr Rajat Manchanda,
Ms Megha Gaur, Mr Mayank
Nautiyal, Ms Aditi Singhal, Mr
Deepanshu Bharti and Ms Soniya
Narula, Advs.

versus

JASPER COLIN RESEARCH & ANR.Respondents

Through: Ms Shraddha Deshmukh and Mr
Mohit Seth, Advs. for R-1.
Ms Deepika Pokharia and Mr
Priyansh Kohli, Advs. for R-2.

+ **FAO (COMM) 170/2024 & CM Nos.49285-86/2024**

VINKAL CHADHA

.....Appellant

Through: Mr Ankit Jain, Mr Rajat Manchanda,
Ms Megha Gaur, Mr Mayank
Nautiyal, Ms Aditi Singhal, Mr
Deepanshu Bharti and Ms Soniya
Narula, Advs.

versus

JASPER COLIN RESEARCHRespondent

Through: Ms Shraddha Deshmukh and Mr
Mohit Seth, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

[Physical Hearing/Hybrid Hearing (as per request)]



RAJIV SHAKDHER, J. (ORAL):

CM No.49283/2024 in FAO (COMM) 169/2024

CM No.49286/2024 in FAO (COMM) 170/2024

1. Allowed, subject to just exceptions.

FAO (COMM) 169/2024 & CM No.49282/2024

FAO (COMM) 170/2024 & CM No.49285/2024

2. These appeals are directed against the judgment and order dated 13.08.2024, passed by the learned District Judge (Commercial-03), Patiala House, New Delhi.

3. *Via* the impugned judgment and order, the learned district judge has disposed of the petition filed by the appellant under Section 9 of the Arbitration and Conciliation Act, 1996 [hereafter referred to as “1996 Act”] as also an application preferred by him under Order XXXIX Rule 2A read with Section 151 of the Code of Civil Procedure, 1908 [hereafter referred to as “CPC”].

3.1 Besides this, an application preferred by respondent no.1 under Section 151 of the CPC to seek modification of the order dated 11.06.2024, passed in the petition preferred by the appellant under Section 9 of the 1996 Act, was also disposed of *via* the impugned judgment and order.

4. We have heard learned counsel for the parties at some length.

5. The learned counsel for the parties submit that the best way forward would be that the disputes obtaining in the matter are referred to a Court appointed arbitrator and appropriate directions are issued for hastening the adjudication.



6. Accordingly, the appeals are disposed of with the following agreed directions:

- (i) Hon'ble Mr Justice (Retired) Rajiv Sahai Endlaw, former Judge of this Court, is appointed as the arbitrator.
- (ii) The learned arbitrator would be invested with the power to appoint an independent domain expert to assist him in the matter.
- (iii) Respondent no.1, i.e., the contesting respondent shall preserve the data concerning the appellant, Pitchbook and itself for enabling adjudication of the *inter se* disputes obtaining between the parties herein.
- (iv) Respondent no.1 shall submit in soft copy the e-mails referred to at page 257 of the case file. In this context, we may note that we have been informed by Mr Ankit Jain, learned counsel, who appears on behalf of the appellant, that the year in which the first eight (08) emails were issued is inadvertently noted as 2024, instead of 2023, which is the correct year in which the said e-mails were issued. For greater clarity, the dates of the nine (09) e-mails referred to on page 257 of the case file are set forth hereafter:

<i>E-mail/Digital File Dated</i>	<i>Sent by</i>	<i>Sent to</i>	<i>Copy to (CC)</i>	<i>Content of the Email</i>	<i>Relevance of below emails to the dispute of tainted resignation acceptance and conditional relieving by Respondent 1</i>
02-03-2023	xxx	xxx	xxx	xxx	xxx
06-03-2023	xxx	xxx	xxx	xxx	xxx
16-03-2023	xxx	xxx	xxx	xxx	xxx



17-03-2023	xxx	xxx	xxx	xxx	xxx
06-04-2023	xxx	xxx	xxx	xxx	xxx
20-03-2023	xxx	xxx	xxx	xxx	xxx
22-03-2023	xxx	xxx	xxx	xxx	xxx
28-06-2023	xxx	xxx	xxx	xxx	xxx
01-02-2024	xxx	xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx	xxx	xxx

(v) The appellant will be entitled to move the learned arbitrator for interim reliefs by filing an appropriate application under Section 17 of the 1996 Act. This direction is being issued as the appellant claims that he is not able to accept the employment offers on account of respondent no.1 not issuing an appropriate relieving letter. Once such an application is moved, needless to say, the learned arbitrator would give an opportunity to respondent no.1 to file a response *qua* the same.

(vi) The learned arbitrator will, thereafter, render his decision *vis-a-vis* the application.

(vii) The learned arbitrator will endeavour to dispose of the application within three (03) weeks commencing from the date it is placed before him.

(viii) The learned arbitrator will be paid fees as per the provisions of the Fourth Schedule appended to the 1996 Act.

(ix) The learned arbitrator will adjudicate the disputes obtaining between the parties uninfluenced by the observations contained in the impugned judgment and order.

(x) To facilitate quick adjudication of the matter, the parties/ their authorised representatives are directed to appear before the learned arbitrator on 30.08.2024 at 6:00 P.M.



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7. The appeals are disposed of, in the aforesaid terms. Consequently, the pending applications shall stand closed.
8. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 28, 2024

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FAO (COMM) 169/2024 & 170/2024

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Signature Not Verified

Digitally Signed By: PREM
MOHAN CHOUDHARY

Signing Date: 29.08.2024
18:34:28