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

+ **ARB.P. 1534/2024**

EXTRAMARKS EDUCATION INDIA PVT LTDPetitioner

Through: **Mr. Ankit Parashar, Advocate.**

versus

SANJAY GHODAWAT INTERNATIONAL SCHOOL & ORS.

.....Respondents

Through: **Mr. Aaditya Vijaykumar, Advocate.**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

19.12.2024

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1. This Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator as per Clause 11 of the Agreement dated 09.05.2015 to adjudicate on the disputes which have arisen between the parties regarding payment of the money.
2. It is stated that the Petitioner, which is a private limited company, and the Respondents No.1 & 2, which are School and the Trust that runs that school respectively, entered into an agreement for sale, installation and services of 12 Smart Learn Classes for a period of 60 months. The said Agreement was extended on 26.08.2015, 31.03.2016 & 01.03.2022. It is stated that disputes arose between the parties due to non-payment of money by the Respondents No.1 & 2 herein.
3. It is stated that Respondents No.3 & 4 who represented the school in the Agreement dated 09.05.2015 are not necessary parties to the present



Petition. Accordingly, on the suggestion of this Court, learned Counsel for the Petitioner seeks permission to delete Respondents No.3 & 4 from the array of parties. Respondents No.3 & 4 are deleted from the array of parties.

4. It is stated that a Notice dated 20.06.2024 under Section 21 of the Arbitration Act was sent by the Petitioner to the Respondents and despite service of the said notice, no reply has been given by the Respondents. The Petitioner has, thereafter, approached this Court for appointment of an arbitrator to adjudicate on the disputes which have arisen between the parties.

5. With consent of the both the parties, this Court is inclined to refer the dispute to the DIAC to appoint an Arbitrator to adjudicate upon the disputes between the parties.

6. Accordingly, the Delhi International Arbitration Centre (DIAC) is requested to appoint an Arbitrator to adjudicate upon the disputes between the Parties.

7. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

8. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on reference.

9. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

10. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.



11. It is open for the Petitioner to file an appropriate application regarding the arbitrability of disputes between the parties. It is also open for the Petitioner to move an appropriate application before the Arbitrator to implead Respondents No.3 & 4 in the arbitration proceedings.

12. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 19, 2024

Rahul