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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 395/2024 & I.As. 45192-93/2024, 46089-90/2024

SARVESHWAR SHRIVASTAVAPetitioner
Through: Mr. Areeb Amanullah, Advocate with
Petitioner in person

versus

PROFICIENCY LEARNING SOLUTIONS PVT. LTD. & ORS.
.....Respondent
Through: Mr. Darpan Wadhwa, Sr. Advocate
with Mr. Amit Agrawal, Mr. Amer
Vai and Mr. Abhikaran Agrawal,
Advocates

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **23.12.2024**

O.M.P.(I) (COMM.) 395/2024

1. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 ('the Act of 1996') seeking urgent interim reliefs.
2. There is an interim order operating in this petition, which is dated 18.11.2024. The parties were referred to Mediation vide the same order; however, the Mediation talks have failed.
3. The parties admit that there is an arbitration agreement recorded at Clause 7.4 of the Severance Agreement dated 16.10.2023.
4. The parties jointly request that a retired High Court Judge be appointed as a sole Arbitrator to adjudicate the disputes between the parties; and the Section 9 petition be placed before the sole Arbitrator for



adjudicating the same as per Section 17 of the Act of 1996. The parties also jointly request that the arbitration be conducted under the aegis of the Delhi International Arbitration Centre ('DIAC') and be regulated by the Rules applicable to DIAC.

5. Accordingly, with the consent of the parties, Hon'ble Mr. Justice Rajiv Sahai Endlaw (Retd.) is appointed as the sole Arbitrator with the following directions:

- (i) The arbitration proceedings will be conducted under the aegis of the DIAC and the Rules of DIAC will apply to the said proceedings.
- (ii) The sole Arbitrator is requested to make his declaration under Section 12 of the Arbitration and Conciliation Act to the parties.
- (iii) The fee of the learned Arbitrator will be as per the Fourth Schedule of the Act of 1996 as amended by the Rules of DIAC.
- (iv) The fee of the sole Arbitrator and the fee as well as costs of DIAC will be borne by the parties equally.

6. The present Section 9 of the Act of 1996 petition is converted into Section 17 of the Act of 1996 petition and is directed to be placed before learned sole Arbitrator for adjudication.

7. The parties agree that they will rely upon the pleadings already filed in this Section 9 petition before the sole Arbitrator. The petition and the reply already stand filed in the present petition. Rejoinder, if any, be filed within two (2) weeks.

8. The parties are directed to appear before the learned Arbitrator on **10.01.2025** for a preliminary hearing for fixing the date of hearing and



disposal of the Section 17 petition as well as for passing any other procedural directions.

9. Interim order dated 18.11.2024 shall continue until modified or varied the by the learned Arbitrator.

10. Needless to state that all the rights and contentions of the parties are kept open.

11. The parties shall deposit such amount of fee as directed by DIAC prior to the hearing of the Section 17 petition.

12. With the aforesaid directions, the present petition stands disposed of.

13. Pending application stands disposed of.

14. A copy of this order be send to the Secretary, DIAC and the sole Arbitrator.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 23, 2024/rhc/sk