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

+ O.M.P.(I) (COMM.) 48/2025, IA 3779/2025

MAITRI CHARITABLE TRUST

.....Petitioner

Through: Ms. Ritu Bhalla, Mr. Gajanand and
Mr. Aditya Rathee, Advocates.

versus

**MILLENNIUM EDUCATION
MANAGEMENT PVT. LTD**

.....Respondent

Through: Mr. Sumeet Pushkarna, Senior
Advocate with Mr. Varun Chugh, Mr.
Shagun Shahi Chugh, Ms. Meera
Chugh, Ms. Shreya Mittal and Mr.
Anant Vikram Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.02.2025

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1. By way of present petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks the following directions:

“a. pass an ad-interim exparte order injuncting restraining the Respondent from partnering or entering into an agreement or facilitating any third party to establish a school under the brand name i.e. The Millennium School, which is within the radius of 15 kilometers of the school being run by the Petitioner, without giving a first right of refusal to the Petitioner;

b. pass an ad-interim ex - parte order injuncting / restraining the Respondent from making false and disparaging statements that the Petitioner is not authorised to use the brand name i.e. 'Millennium School and making any other and further disparaging comments on the Petitioner ';

c. confirm the above prayers in (a) to (b) above upon hearing the parties;

d. award costs of the present petition to the Petitioner;...”

2. Learned counsel for the petitioner submits that the parties had entered into a Collaboration Agreement dated 01.04.2016, Clause 19 whereof



provides for the disputes with respect to the said Agreement to be resolved through arbitration as per the provisions of the A&C Act. It further stipulates that the place of arbitration shall be at New Delhi.

3. Learned counsel for the respondent enters appearance on service of advance notice.

4. After some initial submissions, learned counsel for the petitioner, on instructions, submits that the Arbitration Agreement not being denied, the disputes arising in the context of the Collaboration Agreement dated 01.04.2016, be adjudicated through arbitration and the present petition itself be treated as an application under Section 17 of the A&C Act. It is further prayed that a Sole Arbitrator be appointed, as envisaged in Clause 19 of the subject Agreement.

5. Learned counsel for the respondent submits, on instructions, that the respondent has no objection to the aforesaid prayer.

6. At this stage, the parties jointly pray that, without prejudice to their rights and contentions, the parties be referred to mediation to explore the possibility of an amicable settlement at the first instance, failing which, the parties may be referred to arbitration. It is also prayed that a senior Mediator be appointed in the matter.

7. In light of the above submissions, list before the *Samadhan*, Delhi High Court Mediation & Conciliation Centre on 24.02.2025. Learned Organizing Secretary, Mediation Centre shall keep the aforesaid request in mind to appoint a senior Mediator in the matter.

8. In case no settlement is arrived at between the parties within a period of four weeks, the matter shall stand referred to arbitration. Accordingly, the present petition is disposed of with the following directions:



- i) The disputes between the parties under the subject Agreement shall stand referred to the Arbitral Tribunal in case the parties fail to arrive at an amicable settlement within 4 weeks from the date of hearing before *Samadhan*, Delhi High Court Mediation & Conciliation Centre.
- ii) Ms. Justice Reva Khetrpal, former Judge of the Delhi High Court (Mob: 9871300030) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
- iii) 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'). The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
- iv) The learned Arbitrator shall 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 on the existence and validity of the Arbitration agreement, novation of the agreements, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by either of the parties, are left open for adjudication by the learned arbitrator.
- vi) The parties shall approach learned Arbitrator in case of failure to reach an amicable settlement within 4 weeks.

MANOJ KUMAR OHRI, J

FEBRUARY 14, 2025/rd