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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1594/2024**
FIITJEE LTDPetitioner

Through: Ms. Ayushi Aggarwal, Adv.

versus

NEERAJ KUMAR AGARWAL AND ANRRespondents
Through: Mr. Kumar Prashant, Mr. Avnish
Dave, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
25.04.2025

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1. This is a petition filed under section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to adjudicate the disputes between the parties arising out of the Offer of Appointment for a Faculty Position as well as the Service Contract.
2. The arbitration clause is contained as clause 38 (a) and (b) of the Service Contract which reads as under:

“38. a) All disputes and differences of any nature with regard to the FIITJEE service contract and the interpretation 86 adjudication of clauses and claims respectively shall be referred to the Sole Arbitrator appointed by the Company i.e. FIITJEE Ltd. The provisions of Arbitration and Conciliation Act, 1996 as amended upto date shall be applicable. The venue of the arbitration shall be Delhi/ New Delhi only.

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(b) Subject to 38 (a) hereinabove, the exclusive jurisdiction in the matter shall vest in Delhi/New Delhi Courts.”

3. Briefly stating the facts are that the petitioner is an institute undertaking coaching for students for various competitive exams such as IIT JEE, etc. During the course of its business, the petitioner appoints various faculties for teaching the students. On 19.08.2019, the respondent No. 1 was offered the faculty position in the department of Chemistry. The respondent no. 2 stood surety for respondent no. 1 and in this regard, executed a surety bond.

4. On 14.12.2023, the respondent no. 1 resigned from his services.

5. Since, there were disputes between the petitioner and respondent no. 1, the petitioner invoked arbitration *vide* legal notice dated 11.09.2024.

6. Mr. Prashant, learned counsel appears for the respondent No. 1 and states that no amounts are due and payable by the respondent No. 1. Respondent No. 2 has also been served and despite service, there is nobody appearing for respondent No. 2.

7. I am convinced that there are disputes between the parties and the same need to be resolved by way of arbitration mechanism.

8. For the said reasons, the petition is allowed with the terms and conditions:

- i) Ms. Chand Chopra, Adv. (Mob. No. 9915907494) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the ‘DIAC’) and as per Rules of DIAC.

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- 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.
9. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

APRIL 25, 2025/DM

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

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