



\$~8

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

+ **ARB.P. 1981/2024**

MR ABHISHEK YADAV

.....Petitioner

Through: Mr. Manish Kumar, Adv.

versus

MS FIITJEE LTD & ANR.

.....Respondents

Through: Ms. Disha Sharma & Ms. Khushboo
Singhal, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

27.05.2025

%

1. This is a petition filed under section 11 (6) of Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the dispute between the parties.
2. On 04.12.2014, the petitioner was appointed as an Assistant Professor of Physics by respondent No.1-company (M/s FIITJEE Ltd.). Respondent No. 2 is the Managing Director of respondent No.1.
3. The Appointment Letter contains arbitration clause, being Clause No.36 (a), which reads as under:-

“36. (a) All disputes and differences of any nature with regard to the FIITJEE service manual and the interpretation & adjudication of clauses and claims respectively shall be referred to the Sole Arbitrator appointed by the Company i.e. FIITJEE Ltd. whenever any disputes arises. The employee undertakes not to oppose the said appointment of the Sole Arbitrator. The arbitration proceedings shall be conducted in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and



statutory modification thereof and rules made thereunder. The award of arbitrator shall be final and binding on both the parties. The award of the arbitration shall be final and binding on every matter arising hereunder. It is further agreed that in spite of the fact that the Sole Arbitrator may be known to any of the Directors or share holders or may have been appointed as an arbitrator earlier by the company shall not disqualify him. Even if the arbitrator may have expressed opinion in similar matter earlier shall also not render him disqualified. The venue of the arbitration shall be Delhi/ New Delhi only.”

4. According to the petitioner, the respondent was making illegal deductions. The petitioner served a legal notice for recovery and thereafter, filed a Civil Suit. The respondent filed an application under Section 8 of Arbitration and Conciliation Act, 1996 in the said suit seeking reference of disputes to the Arbitration.
5. Consequently, on 15.10.2024, the Civil Court rejected the plaint and directed the parties to appoint an Arbitrator within one month.
6. Subsequently, since no Arbitrator was appointed, the present petition has been filed.
7. Ms. Sharma, learned counsel for the respondent states that the respondent has no objection to appointment of an Arbitrator as long as all legal objections and counter-claims of the respondent are left open.
8. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Mr. Gaurav Kumar Pandey (Advocate) (Mob. No. 9870526680) 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').
 - 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

MAY 27, 2025/pk

Click here to check corrigendum, if any