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

\# **CNR No. DLHC010230512026**

\+ ARB.P. 918/2026

MILLENIUM EDUCATION MANAGEMENT PVT LTD .....Petitioner

Through: Ms. Shagun Shalini Chugh, Ms. Vidhi Gupta & Ms. Bhawna Gandhi, Advocates.

versus

R S EDUCATION TRUST AND ANR .....Respondent

Through: Mr. Neeleshwar Pavani, Mr. Tanay Chaudhary & Ms. Shreya Dutt, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 27.10.2026

I.A. 14189/2026(*Exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ARB.P. 918/2026

1. By way of the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 [hereinafter, "the Act"], the petitioner seeks the appointment of a sole arbitrator for adjudication of disputes arising out of a Collaboration Agreement dated 13.10.2017 [hereinafter, "the Agreement"].

2. I have heard Ms. Shagun Shalini Chugh, learned counsel for the

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petitioner, and Mr. Neeleshwar Pavani, learned counsel for the respondent No. 1.

3. The parties to the Agreement were the petitioner and respondent No.1. Respondent No. 2 is the former Chairman of respondent No.1, who executed the Agreement in question. Clause 19 of the Agreement provides for the resolution of disputes through arbitration by a sole arbitrator to be appointed by the petitioner, while Clause 20 confers exclusive jurisdiction upon the Courts at New Delhi.

4. Disputes having arisen between the parties, the petitioner invoked arbitration *vide* notice dated 05.11.2025. Respondent No. 1 replied to the said notice on 27.11.2025. However, the parties could not reach an agreement on the appointment of an arbitrator, necessitating the filing of the present petition.

5. Notice in the present petition was issued on 20.05.2026. Although no reply to the petition has been filed, a copy of the reply dated 23.10.2026, filed on behalf of respondent No. 1, has been handed up in Court and is taken on record.

6. Mr. Pavani submits that the petitioner's claims are barred by limitation and are not maintainable in view of the CBSE Bye-Laws and Regulations.

7. It is evident that the existence of the arbitration agreement is not disputed. The objections raised by Mr. Pavani pertain to limitation, and maintainability of the petitioner's claims, and do not affect the existence or validity of the arbitration agreement. These issues are, therefore, matters to be considered by the learned Arbitrator.

8. Insofar as respondent No. 2 is concerned, Ms. Chugh submits that,

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although he has been duly served, he has not entered appearance. She further submits that, since respondent No. 2 is not a party to the arbitration agreement in his individual capacity, the petitioner proposes to move an appropriate application before the learned Arbitrator seeking his impleadment, or that of any other party, as may be permissible in law. The question of impleadment is left open for consideration by the learned Arbitrator in accordance with law.

9. During the course of hearing, Mr. Pavani submits that respondent No. 1 is willing to explore an amicable resolution of the disputes through mediation. He further submits that, in the event the mediation proceedings do not result in a settlement, the disputes may be referred to arbitration under the aegis of the Delhi International Arbitration Centre ["DIAC"]. Ms. Chugh expresses the petitioner's agreement to the proposed course of action.

10. Although Clause 19 of the Agreement provides for the appointment of a sole arbitrator by the petitioner, it is accepted by Ms. Chugh that such unilateral appointment would be inconsistent with the settled legal position governing the appointment of arbitrators. Accordingly, she submits that, in the event the disputes are referred to arbitration, the learned Arbitrator be appointed independently in accordance with law.

11. In view of the above, and with the consent of learned counsel for the parties, the petition is disposed of with the following directions:

a) The disputes between the parties are referred to mediation under the aegis of *Samadhan*, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi – 110503.

b) The parties shall appear before the learned Mediator on

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16.11.2026.

c) The parties may appear before the learned Mediator and participate in the mediation proceedings through video conferencing.

d) In the event the mediation proceedings do not result in a settlement within the period of six weeks from today, either party shall be at liberty to approach DIAC, whereupon DIAC shall nominate a sole arbitrator from its panel to adjudicate the disputes between the parties.

e) The arbitration proceedings shall be conducted in accordance with the Rules of DIAC, including the provisions governing the remuneration of the learned Arbitrator.

f) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act before entering upon the reference.

g) DIAC is requested to keep the appointment of the learned Arbitrator and the commencement of arbitral proceedings in abeyance for a period of six weeks from today, to enable the parties to explore an amicable settlement through mediation.

h) In the event that the parties jointly seek an extension of time to pursue mediation, DIAC may defer the arbitration further, by consent of parties.

12. All rights and contentions of the parties, including those concerning the arbitrability of the disputes, and on merits, are left open for consideration in accordance with law. This Court has expressed no opinion on these aspects.

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13. The petition, alongwith any pending applications, stands disposed of in the aforesaid terms.

PRATEEK JALAN, J

OCTOBER 27, 2026
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