
(2019) 12 DEL CK 0324

In the Delhi High Court

Case No : Arbitration Petition No. 623 Of 2019

M/S Safari Digital Education Initiatives Private Limited

APPELLANT

Vs

BPR International School & Anr

RESPONDENT

Date of Decision : 20-12-2019

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 12

Citation : (2019) 12 DEL CK 0324

Hon'ble Judges : Jyoti Singh, J

Bench : Single Bench

Advocate : Jagdev Singh Gulliya, Neeraj Dutt Gaur

Final Decision : Allowed

Judgement

Jyoti Singh, J

1. Learned counsel for the respondents submits, on instructions from the respondents, that he has no objection to the appointment of an Arbitrator.

2. Learned counsel for the petitioner has drawn the attention of the Court to para-6 of the reply filed by the respondents where the respondents have consented to the appointment of the Arbitrator with the Caveat that a Retired Sessions Judge or an Additional Sessions Judge be appointed by this Court.

3. Para-6 of the reply is extracted herein under:-

"6. That the content of 7 (vi) is the matter of record and th petitioner is require to prove the same. It is submitted that answering respondent has no faith in the name of arbitrator provided by the petitioner. It is submitted that any Retd. Session Judge or Addl. Session Judge may consider if this Hon'hIe Court deems fit and proper to appoint an arbitrator. However as stated above no dispute arose qua the alleged agreement, the answering respondent cannot go against the Haryana State Education Board and Government."

4. The Arbitration Clause in the agreement between the parties reads as under:-

"Any dispute arising from, or in connection with this agreement shall be settled amicably between the parties to the dispute and if not it shall be referred to arbitration of a sole arbitrator. The arbitrator shall be appointed by mutual consent, who shall adjudicate the same as per provisions of Arbitration and Conciliation Act, 1996. The language of arbitration shall be English and the venue of arbitration shall be New Delhi. The competent Court in New Delhi alone shall have exclusive jurisdiction in respect of all matters arising out, under or in connection with this agreement, to the extent jurisdiction is vested in courts under the Arbitration and Conciliation Act, 1996."

5. Notice of invocation was sent by the petitioner on 10.06.2019.

6. With the consent of the parties, Mr. S.K. Tandon, Additional District & Sessions Judge (Retd.) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.

7. The address and mobile number of the learned Arbitrator is as under:

Mr. S.K. Tandon,

Additional District & Sessions Judge (Retd.)

244, Bank Enclave, Near Laxmi Nagar

Delhi - 110 092

Mobile: 9811719888

8. The learned Arbitrator shall give disclosure under Section 12 of the Act before entering upon reference.

9. Fee of the Arbitrator shall be fixed as per Fourth Schedule of the Act.

10. The petition is allowed in the aforesaid terms.