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

+ **O.M.P.(I) (COMM.) 282/2024, I.A. 3412/2025 and I.A. 6745/2025**

MR VIVEK TIWARI

.....Petitioner

Through: Mr. Vivek Tiwari, Mr. C.D. Mulherkar, Mr. Cheitanya Madan, Mr. Jomol Joy and Ms. Megha Saha, Advocates.

versus

BOSTON IVY HEALTH CARE & ORS.

.....Respondents

Through: Mr. Rajiv Nayar, Senior Advocate with Ms. Gauri Rasgotra, Mr. Dinesh Moorjani, Ms. Priyashree Sharma PH, Mr. Girish Ahuja, Ms. Shubhra Sharma and Ms. Manjeera Das Gupta, Advocates for R-1.

Mr. Dayan Krishnan, Senior Advocate with Mr. Sukrit Seth, Mr. Sameer Rohtagi, Mr. Namit Suri, Ms. Purnima Singh, Mr. Preetpal Singh and Mr. Kartikey Singh, Advocates for R-3 to R-8, R-10 to R-16 and R-23 and R-25.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

30.04.2025

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1. This petition is preferred on behalf of the Petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking *inter alia* stay of the implementation and operation of termination letter dated 23.08.2024 issued by Respondent No. 1 as also for restraining the Respondents from taking coercive steps against the Petitioner, which directly or indirectly, affect the promoters' rights and reserve matters including but not limited to participation in the day-to-day management and affairs of Respondent No. 1.

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2. Counsel for the Petitioner submits that the Shareholders Agreement dated 17.03.2022 (SHA) contains arbitration clause 23.2 and Employment Agreement dated 01.09.2021 (EA) also contains arbitration clause 12 and while both have separate arbitration clauses, the agreements are intrinsically linked and that Petitioner has no objection if in the present petition Court appoints the Arbitrators, referring the disputes under both the Agreements. It is further submitted that Petitioner has nominated Mr. Justice Rajiv Shakdher, former Chief Justice of High Court of Himachal Pradesh as his nominee Arbitrator.

3. Mr. Rajiv Nayar and Mr. Dayan Krishnan, learned Senior Counsels for the Respondents also submit that Respondents have no objection for referring the matter to arbitration under both the Agreements and Respondents have nominated Mr. Justice G.S. Sistani, former Judge of this Court as their nominee Arbitrator and thereafter, the two Arbitrators can proceed to appoint the Presiding Arbitrator. Both parties agree that the arbitration be held under the aegis of Delhi International Arbitration Centre (DIAC) and as per its Rules.

4. Accordingly, with the consent of the parties, Mr. Justice Rajiv Shakdher, former Chief Justice of High Court of Himachal Pradesh is appointed as the nominee Arbitrator of the Petitioner and Mr. Justice G.S. Sistani, former Judge of this Court is appointed as nominee Arbitrator of the Respondents. Both the Arbitrators will proceed to appoint the Presiding Arbitrator. The arbitral proceedings will be held under the aegis of DIAC and as per its Rules. Fee of the Arbitrators shall be fixed as per the DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

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5. Learned Arbitrators shall give disclosure under Section 12 of the 1996 Act before entering upon reference.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open. It will be open to the Petitioner to raise a plea before the Arbitral Tribunal for consolidation of the proceedings in respect of EA dated 01.09.2021 and SHA dated 17.03.2022.
7. Petition along with pending applications is disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 30, 2025/shivam

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