

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Petition for Arbitration (Civil) No.25/2020

VIKAS GOEL

Petitioner(s)

VERSUS

SEAGATE TECHNOLOGY INTERNATIONAL

Respondent(s)

O R D E R

The present petition is filed by the petitioner under Section 11 (9) of the Arbitration and Conciliation Act, 1996 seeking appointment of Sole Arbitrator to adjudicate upon the disputes between the petitioner and the respondent that have arisen out of the Deed of Guarantee dated 10.07.2009.

Heard Mr. Neeraj Kishan Kaul, learned Senior counsel appearing for the petitioner, Mr. Percival Billimoria, learned Senior counsel appearing for the sole respondent and carefully perused the material available on record.

Clauses 11, 11.1, 11.2 and 11.3 of the Deed of Guarantee dated 10-7-2009, which are relevant for disposal of the Arbitration Petition, are reproduced below:-

"11. Governing Law and Dispute Resolution

11.1 This Deed of Guarantee shall be governed by, and construed in accordance with, the laws of India.

11.2 Each Party irrevocably agrees that subject to Clause 11.3 hereunder, the Courts of India shall have exclusive

jurisdiction to any disputes which may arise out of or in connection with this Deed of Guarantee and the documents to be entered into pursuant to it and that accordingly any proceedings arising out of or in connection with this Deed of Guarantee and such documents shall be brought in such Courts.

11.3 Any and all dispute or controversies arising out of or in connection with this Deed of Guarantee, which cannot be settled by mutual or amicable agreement between the Parties shall be finally settled in accordance with the provisions of the Indian Arbitration and Conciliation Act, 1996 by a Sole Arbitrator appointed by both Parties by mutual consent and such arbitration shall take place in accordance with such rules and shall be conducted in the English language. The arbitration decision and award shall be final and binding on both the Parties, subject to applicable laws, including without limitation with respect to assessment of costs and fees. The venue for Arbitration shall be at New Delhi, India."

The scope of the Arbitration Petition is very limited. The Clause of Arbitration and the place of arbitration are contained in the Deed of Guarantee dated 10-7-2009. During the course of hearing, learned Senior counsel appearing for the respondent has no objection if the Sole Arbitrator is appointed by this Court, who may be of neutral nationality. In view of above, without going into the merits of the case, we appoint Mr. Toby Landau QC [Address: Duxton Hill Chambers (Singapore Group Practice), 19 Duxton Hill, Singapore - 089602] as Sole Arbitrator to adjudicate the disputes between the parties.

The Sole Arbitrator shall file declaration in terms of provisions of the Arbitration and Conciliation Act, 1996 before proceeding with the case.

The parties are directed to provide up-to-date Paper Books of the Arbitration Petition to the learned Arbitrator at the earliest.

The Sole Arbitrator would be at liberty to fix his fees for the purpose.

The Arbitration Petition is disposed of in the afore-stated terms.

.....CJI
(N.V. RAMANA)

.....J
(A.S. BOPANNA)

.....J
(HIMA KOHLI)

NEW DELHI;
16TH NOVEMBER, 2021

ITEM NO.14

COURT NO.1

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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(IA No. 83612/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No.83615/2020 - EXEMPTION FROM FILING C/C OF THE AGREEMENT & IA NO. 124301/2021-APPLN. SEEKING PERMISSION TO FILE ADDL.DOCUMENTS)

Date : 16-11-2021 This matter a/w applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Tanmaya Mehta, Adv.
Mr. Rajeev Aggarwal, Adv.
Mr. Prateek B., Adv.
Ms. Naina Yadav, Adv.
Mr. Ramchandra Madan, Adv.
Ms. Shaguftha H., Adv.
Mr. Abhikalp Pratap Singh, AOR

For Respondent(s)

Mr. Percival Billimoria, Sr.Adv.
Ms. Nandini Khaitan, Adv.
Mr. Sahil Narang, Adv.
Mr. Madhavan Sharma, Adv.
For M/s. Khaitan & Co., AOR

UPON hearing the counsel the Court made the following
O R D E R

Exemptions are allowed.

The Arbitration Petition is disposed of in terms of the signed Order.

Pending application filed in the matter also stands disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed Order is placed on the file)