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Application for Cancellation of Arbitration Agreement

In the High Court at _____ Ordinary Original Civil Jurisdiction

In the matter of Arbitration and Conciliation Act 1996

And

In the matter of an application under section 7 of the said Act

And

[XYZ India Private Ltd.](#), a company registered under the Companies Act 1956/2013 and carrying on business in [\[Address\]](#)

Petitioner

versus

[ABC Private Ltd.](#) a company registered under the Companies Act 1956/2013 and carrying on business at [\[Address\]](#).

Respondent

To

The Hon'ble Mr.
Chief Justice and His Companion
Justices of the said Hon'ble Court

The humble petition of the petitioner above-named most respectfully SHEWETH:

1. Your petitioner received on [\[Date\]](#) a notice dated [\[Date\]](#) from the respondent requesting the petitioner to appoint an arbitrator under an alleged Agreement of Arbitration contained in a Contract No. dated [\[Date\]](#).
2. Your petitioner states that the alleged agreement to refer disputes to arbitration was invalid and not binding on the petitioner, inter alia, for the following reasons:
 - (a)
 - (b)
3. Your petitioner states that the subject-matter of the alleged disputes between the parties is outside the jurisdiction of the Court at [\[Place\]](#).
4. Your petitioner reasonably apprehends that if the said agreement is allowed to remain outstanding further proceedings may be taken by the respondent pursuant

to the said notice or otherwise and in that event your petitioner would be seriously prejudiced.

5. The existence and validity of the alleged Arbitration Agreement alleged to be in possession of the respondent have to be determined by this Hon'ble Court on production thereof by the respondent.
6. The respondent be directed to produce the alleged Arbitration Agreement before this Hon'ble Court for scrutiny and for cancellation.
7. Unless orders are made as prayed for your petitioner will suffer loss and prejudice.
8. This application is made *bona fide* and in the interest of justice.

Your petitioner therefore humbly prays to your Lordships for the following Orders:

- a) Direction on the respondent to produce the Arbitration Agreement to this Hon'ble Court;
- b) Declaration that the said Arbitration Agreement is invalid, void and of no effect;
- c) Cancellation of the alleged Arbitration Agreement as a nullity;
- d) Direction that the said notice dated..... is invalid, void and of no effect;
- e) Injunction restraining the respondent from giving any effect or further effect to the said notice;
- f) Costs of this application be paid by the respondent;
- g) Further Orders be made and directions be given as to this Hon'ble Court may deem fit and proper to afford complete relief to your petitioner.

And your petitioner as in duty bound shall ever pray.

**Signature of Advocate for
the petitioner**

Signature of petitioner

Verification

I, son of
..... aged about years, by occupation service,
working for gain at [Address of company where working] do hereby solemnly affirm and
say as follows:

- 1) I am a Director of XYZ India Private Ltd. and a principal officer and a Constituted Attorney. I know and I have made myself acquainted with the facts and circumstances of the case and I am able to depose thereto. I am authorised and competent to verify and I do verify the aforesaid petition on behalf of Builders India Private Ltd.
- 2) The statements in paragraphs 1 to 8 herein are true to my knowledge based on information derived from records maintained by the petitioner XYZ India Private Ltd. and believed by me to be true.

Solemnly affirmed by the said Mr. pursuant to a Board Resolution dated of XYZ India Private Ltd. in the Court House at [Place], this day of 20..

Before me Commissioner