

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

ARBITRATION PETITION NO.47/2025

NEWGEN DIGITALWORKS PVT LTD

PETITIONER(S)

VERSUS

PETER LANG GROUP AG

RESPONDENT(S)

O R D E R

1. The instant petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (Act), seeks the appointment of a Sole Arbitrator to adjudicate disputes arising from the Master Services Agreement dated 20.01.2020 (MSA) and the accompanying Statement of Work dated 20.01.2020 (SOW) executed between the Petitioner and Peter Lang AG (PLAG), whose liabilities and obligations were subsequently assumed by the Respondent.

2. Briefly observed, the Petitioner is a company incorporated under the laws of India and is engaged in the business of providing end-to-end publishing, business

process outsourcing, and IT-enabled services. The Respondent has its registered office in Lausanne, Switzerland, and is engaged in the publication of humanities/social sciences textbooks.

3. Originally, the Petitioner's Dutch subsidiary, Konvertus B.V., was rendering publication services to PLAG. Owing to PLAG's sustained financial distress and its entry into the Swiss moratorium regime in 2019, the Petitioner stepped in and formalized the arrangement through the MSA and SOW. Under the MSA, the Petitioner was engaged to provide end-to-end publishing, quality control, and back-office functions on a revenue-linked retainer basis. The SOW defined the scope of work and commercial terms. In July 2020, PLAG underwent a Management Buy-Out (MBO), pursuant to which its business was transferred to the Respondent (formerly known as, Peter Lang Copyright AG). To document the assumption of liabilities, a Debt Transfer Agreement dated 02.07.2020 (DTA) was executed between the Petitioner, the Respondent, and PLAG, whereby the Respondent assumed certain liabilities and obligations of PLAG under the MSA and SOW.

4. It appears that a dispute arose owing to the Respondent's alleged failure to pay outstanding dues under

the MSA and SOW, which accumulated to CHF 2,986,128 (Swiss Francs).

5. Owing to this, the Petitioner issued a Notice of Arbitration dated 21.11.2024 under Clause 9.2 of the MSA, nominating Hon'ble Mr. Justice R. V. Easwar, former Judge of the High Court of Delhi, as the Sole Arbitrator. The Respondent declined to participate in the appointment process and denied being bound by the arbitration agreement, contending that the MSA and SOW were executed with PLAG (a distinct entity) and not with the Respondent. This prompted the Petitioner to file the instant Arbitration Petition.

6. We have heard learned counsel for the parties and perused the material placed on record.

7. Keeping in view the facts and circumstances recorded above and the relevant provision(s) under the MSA, we deem it just and proper to allow the instant Arbitration Petition and appoint Hon'ble Mr. Justice C. Nagappan, a former Judge of Supreme Court of India, as the Sole Arbitrator to adjudicate the disputes between the parties. The seat and venue of arbitration, in accordance with the

arbitration agreement, shall be Chennai, India. Ordered accordingly.

8. We make it clear that the parties will be at liberty to raise all available contentions before the learned Sole Arbitrator.

9. The learned Sole Arbitrator shall have the liberty to fix his own remuneration/fees.

10. Pending interlocutory applications, if any, also stand disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
MAY 26, 2026

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Arbitration No(s).47/2025

NEWGEN DIGITALWORKS PVT LTD

Petitioner(s)

VERSUS

PETER LANG GROUP AG

Respondent(s)

IA No. 178904/2025 - EXEMPTION FROM FILING O.T., IA No. 180616/2025
- PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 26-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Anirudh Wadhwa, Adv.
Mr. Debarshi Chakraborty, Adv.
Mr. Sriram Venkatavaradan, Adv.
Mr. Shivendra Singh, AOR
Ms. Prakriti Rastogi, Adv.
Ms. Aryama Singh Rajput, Adv.

For Respondent(s) :Mr. Aakash Bajaj, Adv.
Ms. Prerona Banerjee, Adv.
M/s Khaitan & Co., AOR

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

1. The Arbitration Petition is allowed in terms of the signed order.
2. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR

(signed order is placed on the file)