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

+ ARB.P. 218/2018

RADICO KHAITAN LIMITED Petitioner

Through Mr. B.L. Wali, Adv.
versus

BIO ETHANOL AGRO INDUSTRIES LIMITED Respondent

Through Mr. Vipul Agrawal and Mr. Ronak
Arora, Adv.

AND

+ O.M.P.(I) (COMM.) 462/2017

RADICO KHAITAN LIMITED Petitioner

Through Mr. B.L. Wali, Adv.
versus

BIO ETHANOL AGRO INDUSTRIES LIMITED Respondent

Through Mr. Vipul Agrawal and Mr. Ronak
Arora, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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07.09.2018

1. Mr. Agrawal enters appearance on behalf of the respondent.
- 1.1 Learned counsel says that there is no dispute that there is an arbitration agreement subsisting between the parties.
- 1.2 However, Mr. Agrawal says that there is a possibility that the parties could arrive at a settlement, if the disputants are referred to a Mediator.
2. Accordingly, both the counsel agree that the captioned petitions can

be disposed of with the following directions:

- (i) Mr. Rakesh Siddhartha, former District & Sessions Judge, Mobile no.9910384655 is appointed as an Arbitrator.
- (ii) The learned Arbitrator will conduct proceedings in accordance with the rules and fee schedule prescribed by the Delhi International Arbitration Centre (DIAC).
- (iii) The learned Arbitrator will not enter upon reference till 30.11.2018. In the meanwhile, the parties will attempt a settlement in the matter and for this purpose, will appear before the Delhi High Court Mediation and Conciliation Centre ('Centre') on 13.9.2018 at 3.00 P.M.
- (iv) In case, the parties jointly apply for delaying the commencement of the arbitration proceedings, the learned Arbitrator will give accommodation after reaching a conclusion that there is a real possibility of parties reaching a settlement.
- (v) The interim order dated 13.11.2017, passed in O.M.P.(I)(COMM.) 462/2017, will continue to operate till such time the learned Arbitrator takes up the petition, i.e. O.M.P.(I)(COMM.) 462/2017, for hearing which he would treat as an application filed under Section 17 of the Arbitration and Conciliation Act, 1996.
- (vi) The Arbitrator after hearing the parties and giving them adequate opportunity will be at liberty to either confirm, vacate or even modify the order dated 13.11.2017.

3. Needless to say, it will be open to the parties to canvass all contentions before the learned Arbitrator.
4. The petitions are disposed of, as indicated above, in the aforesaid terms.

RAJIV SHAKDHER, J

SEPTEMBER 07, 2018
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