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

+ ARB.P. 246/2018

**MITSUBISHI ELEVATOR INDIA PRIVATE
LIMITED**

..... Petitioner

Through: Mr Abhinav Bhalla, Advocate.

versus

EOS HOSPITALITY PVT. LTD.

..... Respondent

Through: Mr Gaurav Mahajan Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.05.2018**

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1966 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to the Work Order dated 27.11.2013. The said work order includes an arbitration clause, which is set out below:-

“12 **Arbitration:**

All disputes, differences and claims whatsoever which shall at any time arise between the parties hereto or their respective representatives concerning this contract and all other documents in pursuance hereof as to the rights, duties, obligations or liabilities of the parties hereto respectively by virtue of this contract shall be:

a) First referred to a Senior Personnel of both the parties. If after the meeting, the resolution is not

achieved, then,

- b) Shall be referred to arbitration in accordance with the provisions of the arbitration and conciliation act 1996 as amended from time to time. Such arbitration proceedings will take place in Delhi only, and shall be subject to jurisdiction of the courts in Delhi.”

2. There is no dispute as to the existence of the arbitration agreement. It is also not disputed that the said arbitration clause was duly invoked. However, the learned counsel appearing for the respondent states that the respondent would desire to make further efforts to resolve the disputes amicably.

3. At the request of the learned counsel for the respondent, the parties are referred to the Delhi High Court Mediation and Conciliation Centre (DHMCC) for endeavouring to resolve their disputes amicably within a period of two months from today. The parties shall appear before DHMCC on 25.05.2018 at 3 p.m.

4. Further, with the consent of the parties, Delhi International Arbitration Centre (DIAC) is directed to appoint an arbitrator to adjudicate the disputes falling within the arbitration clause. The arbitration shall be conducted under the aegis of the DIAC and in accordance with its Rules. However, it is directed that the arbitrator shall not be appointed for a further period of two months from today. In the meanwhile, the parties may attempt to resolve their disputes amicably before DHMCC. If the parties are resolve their disputes amicably, they shall communicate the same to the Coordinator, DIAC and no further steps will be required to be taken by the DIAC. However, if the parties are unable to resolve their disputes on or

before 18.08.2018, the parties shall appear before the Coordinator, DIAC on 20.08.2018 at 10:30 a.m. for further proceedings.

5. The petition is disposed of in the aforesaid terms.

MAY 18, 2018
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VIBHU BAKHRU, J