

\$~6

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

+ **ARB.P. 455/2018**

LALIT GROVER & ANR.

..... Petitioners

Through: Mr. Krishna Mohan K. Menon and
Mr. Parul Sachdeva, Advs.

versus

**WORLD TELECOM HOUSE THROUGH: SOLE PROPRIETOR SH
MOHD YUNUS SIDDIQUI & ANR.**

..... Respondents

Through: Mr. Jaswant Mann, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

%

26.10.2018

1. After some arguments, learned counsel for the parties agreed that the present petition can be disposed of based on the following directions:

(i) That an Arbitrator can be appointed for adjudication of the disputes which have arisen between the parties.

(ii) However, before the learned Arbitrator enters upon reference, the parties will attempt settlement in the matter, and for this purpose, they be referred to the Delhi High Court Mediation and Conciliation Centre (in short 'Centre').

2. I may only note that there is no dispute that an arbitration agreement subsists between the parties which is incorporated as clause 49 in the Lease Agreement dated 24.7.2015.

3. The record also shows that proceedings under Section 138 of the Negotiable Instruments Act were initiated against the respondents which resulted in a settlement dated 26.9.2016 arrived at between the parties,

albeit, with the intercession of the Delhi Mediation Centre, Tis Hazari Courts, Delhi.

4. It is the case of the petitioners that there has been a breach of the settlement which is why the instant petition has been filed.

5. Thus, having regard to what is noted in paragraph 1 above, Mr. D.K. Saini, former Additional District Judge, Delhi (M: 9312627187), is appointed as an Arbitrator.

5.1 The learned Arbitrator, however, will not enter upon reference till 31.1.2019.

6. In case parties are nearing a settlement and need further time, they would jointly approach the learned Arbitrator for extension of time beyond the date given above.

7. In the interregnum, the parties will appear before the Mediator appointed by the Centre.

8. The first appearance of the parties and their counsel before the Centre will be on 14.11.2018 at 3.00 p.m.

9. In case, the mediation attempted by parties fails, the learned Arbitrator will, as indicated above, enter upon reference and adjudicate the disputes on merits. This direction will however not foreclose the possibility of the parties arriving at a settlement before the Arbitrator.

10. At this stage, learned counsel for the parties suggest that the arbitration proceedings can be carried out under the aegis of the Delhi International Arbitration Centre (for short 'DIAC').

10.1 It is ordered accordingly.

11. Consequently, the rules of the DIAC shall govern the arbitration proceedings.

RAJIV SHAKDHER, J

OCTOBER 26, 2018/rb
ARB.P. 455/2018