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

+ **ARB.P. 102/2019**

AHLCON PARENTERALS (INDIA) LTD. Petitioner

Through: Dr. B.K. Dash with Mr. Alok Kumar,
Advs

versus

SCAN BIOTECH LTD. Respondent

Through: Mr. Ajay Verma with Mr. Nikhil
Anand, Advs

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% 18.02.2019

I.A. No. 2294/2019 (Exemption)

1. Allowed, subject to just exceptions.

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2. Issue notice.

3. Mr. Ajay Verma, who, appears on advance notice on behalf of the respondent says that he does not wish to file a reply as he does not object to an Arbitrator being appointed by this Court since the existence of Arbitration Agreement between the petitioner and the respondent is not in dispute.

4. Counsel for the parties, thus, jointly submit that the Arbitrator can be appointed by the Delhi International Arbitration Centre ("DIAC").

5. Furthermore, counsel for the parties also submit that before parties proceed to arbitration, they should be given a chance to approach the Delhi High Court Mediation & Conciliation Centre (in short “Mediation Centre”) to explore the possibility of arriving at a negotiated settlement.

6. Accordingly, as prayed, the captioned petition is disposed of with the following directions:-

(i) The DIAC will appoint a sole Arbitrator in the matter within two weeks of receipt of a copy of the order.

(ii) The Arbitrator will, however, not enter upon reference till 30.04.2019.

(iii) In the interregnum, parties and their counsel will approach the Mediation Centre for exploring the possibility of arriving at a settlement in the matter. For this purpose, parties and their counsel shall remain present in the Mediation Centre on 26.02.2019 at 3:00 pm.

(iv) In case, further time is required by the Mediator, parties will submit a joint written request to the learned Arbitrator to defer entering upon reference.

(v) At this stage, the learned Arbitrator will take a decision as to whether the request made ought to be granted or not, keeping in mind, the time limits defined under the Arbitration and Conciliation Act, 1996.

(vi) The Arbitration proceedings, if commenced, will be governed by the rules prescribed for that purpose by the DIAC.

7. The Registry will dispatch a copy of the order passed, today, to the Coordinator, DIAC.

8. *Dasti.*

FEBRUARY 18, 2019

c

RAJIV SHAKDHER, J