

§~26

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

+ **O.M.P.(I) (COMM.) 142/2019**

SHILPA MALIK

..... Petitioner

Through Mr. Samar Singh Kachwaha, Ms.
Chanan Parwani and Ms. Shivangi
Nanda, Advs.

versus

RAJEEV MANCHANDA & ORS.

..... Respondents

Through Mr. A.K. Tewari, Mr. Aamir Khan
and Mr. Vikram Aditya Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

%

10.05.2019

I.A. 6872/2019

1. Allowed, subject to just exceptions.

O.M.P.(I) (COMM.) 142/2019

2. Issue notice. Mr. Tewari, advocate, accepts notice on behalf of the respondents.

3. Learned counsel for the parties say that this petition can be disposed of based on the following directions which would include appointment of an independent Arbitrator by this Court and referring the captioned petition which has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (in short '1996 Act') to the Court appointed Arbitrator.

O.M.P.(I) (COMM.) 142/2019

Pg.1 of 3

- 3.1 Furthermore, counsel for the parties submit that before commencement of the arbitration proceedings, parties be given leeway to arrive at a mediated settlement.
4. Accordingly, Hon'ble Mr. Justice P.K. Bhasin, former judge of this Court (Cell No.9871300032) is appointed as an Arbitrator in the matter.
5. The learned Arbitrator will be paid his fee in accordance with the provisions of the Fourth Schedule appended to the 1996 Act.
6. The parties and their counsel will appear before the Delhi High Court Mediation and Conciliation Centre (in short "Centre") on 20.5.2019 at 3:00 p.m.
7. The learned Arbitrator will not enter upon reference till 1.7.2019.
8. The Centre will endeavour to appoint a senior mediator, who, has a background in commercial law.
9. In the event parties need further time to arrive at a mediated settlement, they will approach the learned Arbitrator with a request to delay commencement of arbitration proceedings. The request made shall be a joint written request. At that stage, the learned Arbitrator will assess the situation and take a decision as to whether or not he should delay commencement of arbitration proceedings.
10. The learned Arbitrator will deal with the captioned petition filed under Section 9 by treating the same as an application under Section 17 of the 1996 Act.
11. Since the respondents have not filed their reply, opportunity in that behalf will be given to the respondents.

12. Needless to say, the learned arbitrator, before entering upon reference, shall file a declaration in terms of Section 12 read with the attendant provisions of the 1996 Act.

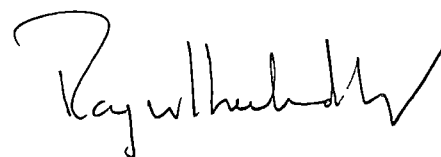
13. For the convenience of the learned Arbitrator, the mobile numbers of the counsel for the petitioner is given hereafter:

Mr. Samar Singh Kachwaha, counsel for the petitioner - Mobile Nos.

(i) 9910940162 (ii) 9871191147.

14. The Registry will dispatch a copy of the order to the learned Arbitrator.

15. *Dasti.*



RAJIV SHAKDHER, J

MAY 10, 2019

Rb