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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 245/2018

MITSUBISHI ELEVATOR INDIA PRIVATE

LIMITED

..... Petitioner

Through: Mr. Abhinav Bhalla, Adv

versus

BRY'S HOTELS PVT. LTD.

..... Respondent

Through: Mr. Prakhar Singh with Mr. Manish
K. Gujral, Advs

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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28.01.2019

1. Mr. Prakhar Singh, who, appears for the respondent says that he has instructions to convey to the Court that respondent does not wish to file a reply in the matter.
2. Furthermore, learned counsel says that he would have no difficulty, if the Delhi International Arbitration Centre ("DIAC") were to appoint an Arbitrator in the matter.
3. It is however, the submission of the learned counsel for the respondent that an opportunity should be given to the parties to arrive at a mediated settlement.
4. Mr. Abhinav Bhalla, who, appears for the petitioner says that he has no difficulty, if a settlement via mediation is explored provided time lines are fixed in that behalf.

5. I may note that learned Joint Registrar (Judicial) in his order dated 07.01.2019 has referred to other respondents apart from Brys Hotels Pvt. Ltd., which as per the record is the only respondent.

6. It appears that this error occurred on account of the fact that more than one address of the respondent was provided by the petitioner; fact which was evidently was not brought to the notice of the Joint Registrar (Judicial).

7. In these circumstances, the petition is disposed of with the following directions:-

7.1 The DIAC will appoint an Arbitrator in the matter in accordance with the applicable rules.

7.2 The Arbitrator appointed shall not enter upon reference till 31.03.2019.

7.3 In the interregnum, parties and their counsel shall appear before the Mediator appointed by the Delhi High Court Mediation and Conciliation Centre (in short "Centre").

7.4 In order to give effect to the direction issued above with regard to the Mediation, parties and their counsel will appear before the Centre on 31.01.2019 at 3:00 pm.

8. In case, time is beyond 31.03.2019 is required for arriving at a settlement, parties will jointly approach the learned Arbitrator, who based on written consent of the parties, if deemed fit, will extend time for entering upon reference.

RAJIV SHAKDHER, J

JANUARY 28, 2019/c
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