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

+ **ARB.P. 517/2018**

HERO MOTOCORP LTD Petitioner
Through **Ms. Gunjan Sinha Jain, Adv.**

versus

GATI KINTESTSU PVT. LTD Respondent
Through **Mr. Jay Kishor Singh, Adv.**

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% **14.01.2019**

1. Learned counsel for the respondent says that in the proceedings filed by the respondent in the National Company Law Tribunal, New Delhi Bench (for short 'NCLT'), endeavours are being made by the parties' representatives to settle the matter.

1.1 For this purpose, the learned counsel has drawn my attention to the proceedings dated 21.12.2018, held before the NCLT.

1.2 This aspect of the matter is not disputed by Ms. Jain.

2. As a matter of fact, a perusal of the NCLT's order dated 21.12.2018 shows that the next date of hearing fixed before it is 22.1.2019.

3. On being queried, learned counsel for the respondent says that they would have no difficulty if this Court were to appoint an Arbitrator in the matter, in case upon accommodation being given, the settlement talks between the parties do not fructify into a firm agreement.

4. Learned counsel further submits that this petition can be disposed of by giving time to the parties for arriving at a settlement and upon failure to reach a settlement in the matter, relegating the parties to an Arbitrator.

4.1 Ms. Jain submits likewise.

5. Accordingly, the petition is disposed of with the following directions:

(i) The endeavours commenced for arriving at a settlement between the parties can be taken to the Delhi High Court Mediation and Conciliation Centre (in short 'Centre').

(ii) Parties and their counsel will, thus, appear before the Centre on 18.1.2019 at 3:00 p.m. in case they fail to arrive at a Settlement on their own.

(iii) In case the proceedings before the Mediator do not result in a settlement, Hon'ble Mr. Justice Madan B. Lokur, former Judge, Supreme Court, (Cell No.: 9868219007), who is appointed as an Arbitrator in the matter, will adjudicate upon the dispute on merits.

(iv) The learned Arbitrator will, however, not enter upon reference till 31.3.2019.

(v) The learned Arbitrator, as agreed by the parties, will be paid his fee as per the provisions of the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

6. *Dasti* under the signature of Court Master.

RAJIV SHAKDHER, J

JANUARY 14, 2019

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