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

+ **ARB.P. 828/2018**

MAHENDRA SINGH Petitioner
Through: Mr. Sarvesh Singh and Ms. Kanika
Madan, Advocates

versus

**MAXBLIS CONSTRUCTION
PRIVATE LIMITED & ANR.** Respondents
Through: Mr. Kumar Vikram, Advocate

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER
% **19.03.2019**

1. At the outset, learned counsel for the Petitioner says that he will clear objections of the Registry and will place Compact Disk on record.

2. The present petition though filed under Section 11 (6) the Arbitration and Conciliation Act, 1996 ('the Act' for short), be treated as one under Section 11(5) of the Act. Learned counsel for the Respondent submits that the arbitration agreement is not in dispute. Learned counsel for the Respondent also does not object to the appointment of the Arbitrator. However, he objects to the receipt of the notice dated 14th July, 2018 whereby the Arbitration Clause was invoked and the Petitioner sought for appointment of an Arbitrator. However, in view of the fact that Petitioner has raised previous demand notices dated 5th January 2018 and 10th May 2018, learned

counsel for the Respondent does not refute that disputes and differences have arisen between the parties and it requires to be adjudicated by Arbitration.

3. In view of the above, Delhi High Court Arbitration Centre (DHAC) will appoint an Arbitrator in the matter. The parties are referred to appear before the DHAC for appointment of arbitrator. The arbitration proceedings will be governed by the rules framed in that behalf by the DHAC. Learned Arbitrator shall issue a declaration under Section 12 read with the attendant provisions of the 1996 Act before entering upon reference.

5. Learned counsels also submit that Parties wish to explore a possibility of a settlement. Accordingly at the first instance, the parties shall appear before the Delhi High Court Mediation Centre for exploring the possibility of settlement. Accordingly, the parties are directed to appear before the Delhi High Court Mediation Centre on 2nd April, 2019 at 03:00 p.m. In the event a settlement is arrived at between the parties, the Arbitrator shall not enter upon reference. The Registry will dispatch a copy of the order passed today to the Coordinator, DHAC. The petition is allowed, in the above terms.

SANJEEV NARULA, J

MARCH 19, 2019

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