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

+ **ARB.P. 255/2024**

MANOJ KUMAR UPNEJA

..... Petitioner

Through: Mr. Shubham, Mr. Prem Prakash
and Mr. Plarish Malhotra,
Advocates.

versus

DAKSHYA INFRA DEVELOPERS PVT. LTD. Respondent

Through: Mr. Tarun Singla and Mr. K.C.
Joshi, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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30.04.2024

1. The petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”] for adjudication of disputes between the parties, under two agreements dated 03.12.2014 and 12.12.2014. Both agreements have arbitration clauses [Clause 44 of agreement dated 03.12.2014, and Clause 9 of agreement dated 12.12.2014] and jurisdiction clauses giving exclusive jurisdiction to courts in Delhi [Clause 42 of agreement dated 03.12.2014, and Clause 10 of agreement dated 12.12.2014].
2. Disputes having arisen between the parties, the petitioner sent a notice dated 08.01.2024 for invocation of arbitration.
3. Mr. Tarun Singla, learned counsel for the respondent, enters appearance and does not object to the appointment of an arbitrator, but submits that efforts may be made to settle the disputes in mediation.
4. Learned counsel for the petitioner has no objection to this course of

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action.

5. Having regard to the above submissions, with consent of learned counsel for the parties, the petition is disposed of with the following directions:

- a. The parties are referred to mediation under the aegis of Samadhan, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi-110503.
- b. They will appear before the learned Mediator on 07.05.2024.
- c. In the event the mediation proceedings are unsuccessful, the disputes between the parties will be adjudicated by arbitration under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi ["DIAC"]. DIAC is requested to nominate an Arbitrator from its panel.
- d. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.
- e. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
- f. DIAC is requested to defer the arbitral proceedings for a period of eight weeks from today, to enable the parties to resolve their disputes through mediation. The learned Arbitrator is requested to enter into reference after a period of eight weeks, upon request of either party.

PRATEEK JALAN, J

APRIL 30, 2024 / SS/