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

+ **ARB.P. 381/2024**

RADICO KHAITAN LIMITED

..... Petitioner

Through: Mr. Kamal Garg, Advocate. [M:-
9811270502]

versus

KATYAL ENTERPRISES PRIVATE LIMITED Respondent

Through: Mr. Nitin K. Gupta, Ms. Ritka
Gautam & Mr. Ayush Tripathi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.05.2024

1. By way of this petition under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], the petitioner seeks adjudication of disputes by an arbitrator. The arbitration agreement is contained in clause 5 of the invoices raised by the petitioner upon the respondent.

2. The petitioner claims to have invoked arbitration by a communication dated 02.11.2023, but has pleaded that the communication was returned unserved.

3. Mr. Nitin K. Gupta, learned counsel, enters appearance on behalf of the respondent and disputes the petitioner’s contention with regard to the service of the invocation notice. However, the respondent is agreeable to adjudication of the disputes by arbitration of an independent arbitrator,



reserving all rights and contentions of the parties on merits. Mr. Gupta also suggests that having regard to the fact that claim in this case is relatively small, the parties may be referred to mediation to resolve their disputes. Mr. Kamal Garg, learned counsel for the petitioner, is also agreeable to the same.

4. Having regard to the above, and 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 [“Samadhan”].
 - B. They will appear before the learned Mediator on 24.05.2024.
 - C. In the event the mediation proceedings are unsuccessful, 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. If the parties are unable to settle their disputes in the meantime, either party may approach DIAC to enter into the reference thereafter.
5. It is made clear that all rights and contentions of the parties are left



open for adjudication by the learned Arbitrator.

MAY 16, 2024
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PRATEEK JALAN, J