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

+ **ARB.P. 490/2024, I.A. 8364/2024, I.A. 32026/2024**

M/S MEGALOGIX

.....Petitioner

Through: Mr Niraj Kumar Singh, Adv. (through
VC)

versus

THE BGS VIJNATHAM SCHOOL

.....Respondent

Through: Mr Harish Malik and Ms Priyanka
Dalal, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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19.07.2024

1. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator for adjudication of disputes between the parties arising out of the Agreement dated 28.02.2018.

2. The arbitration clause is clause 11 in the agreement dated 28.02.2018 which reads as under:

“11. DISPUTE RESOLUTION

Any dispute or difference arising between the parties as to their respective rights, duties and obligations or as to any matter arising out of or in connection with the Subject Matter of this Agreement shall be dealt with as provided hereunder:

(a) The parties shall use good faith efforts to resolve disputes, within twenty (20) business days of notice of such dispute. Such



efforts shall include escalation of such dispute to the senior officer level of each party.

(b) If the parties cannot resolve any such dispute within said twenty (20) business day period, the disputes will be heard and determined by an arbitration committee of two members, one nominated by BOS GREATER NOIDA and the other by MAX.

3. Since certain disputes arose between the parties, the petitioner invoked the arbitration clause *vide* Legal Notice dated 17.08.2023.

4. Mr Malik, learned counsel for the respondent states that he has no objection to the petition being allowed.

5. Learned counsel for the parties state that it will be in the interest of both parties if the matter is referred to mediation to work out a viable solution for all the disputes which have arisen between the parties.

6. For the said reasons, the petition is allowed and the following directions are issued:-

- i) Mr. Hashmat Nabi, Advocate (Mob. No.9810017822) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.



- iv) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
- v) The learned arbitrator will not enter reference for a period of 8 weeks from today in order to enable the parties to explore possibility of a settlement. The parties are referred to Delhi High Court Mediation and Conciliation Centre for the said purposes and shall appear before Delhi High Court Mediation and Conciliation Centre on 26.07.2024 at 03:30 p.m. The Delhi High Court Mediation and Conciliation Centre is requested to appoint a senior mediator. In case the disputes are not settled within a period of 8 weeks from today, the learned arbitrator will enter reference within one week thereafter.
7. The petition is allowed and disposed of in the aforesaid terms.

JASMEET SINGH, J

JULY 19, 2024

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[Click here to check corrigendum, if any](#)