



\$~34

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

+ O.M.P.(I) (COMM.) 125/2024 & I.A. 9323/2024

M/S SMAS AUTO LEASING
INDIA PRIVATE LIMITED

.....Petitioner

Through: Mr. Bhuvnesh Satija and Mr. Udit
Sharma, Advocates.

versus

M/S NTC SUPPLY CHAIN SOLUTIONS
PRIVATE LIMITED

.....Respondent

Through: Ms. Neha Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.07.2024**

1. This is a pre-arbitration petition under Section 9 of the Arbitration and Conciliation Act, 1996 [“the Act”]. It arises from a Master Lease Agreement dated 01.06.2022 between the parties. Notice was issued on 29.04.2024, and an *ad-interim* order was passed directing the respondent to maintain *status-quo* regarding the title and possession of 5 Bharat Benz Trucks leased from the petitioner bearing the following details:

S.No.	Vehicle Model Name	Registration No.
1.	Bharat Benz Truck, 4228R 10X2 6775 E6 SLC CHS RT HDP HCG AW	NL01AG2908
2.	Bharat Benz Truck, 4228R 10X2 6775 E6 SLC CHS RT HDP HCG AW	NL01AG2909
3.	Bharat Benz Truck, 4228R 10X2 6775 E6 SLC CHS RT HDP HCG AW	NL01AG2910
4.	Bharat Benz Truck, 4228R 10X2 6775 E6 SLC CHS RT HDP HCG AW	NL01AG2911

O.M.P.(I) (COMM.) 125/2024

Page 1 of 3



5.	Bharat Benz Truck, 4228R 10X2 6775 E6 SLC CHS RT HDP HCG AW	NL01AG2912
----	--	------------

2. Ms. Neha Jain, learned counsel, appears on behalf of the respondent, and submits that the matter be referred to mediation. However, she also submits that there is no dispute as to the existence of an arbitration clause and that the matter may be referred to arbitration in these proceedings itself, in the event mediation is unsuccessful.

3. Having heard learned counsel for the parties, and with their consent, 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 29.07.2024.
- c. In the event the mediation proceedings are unsuccessful, the disputes between the parties will be adjudicated by arbitration. The arbitration will be held 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. In the event arbitration is necessary, the present petition will be treated as an application under Section 17 of the Act before the learned Arbitrator. The respondent may file a reply to the petition



within one week of the learned Arbitrator entering into the reference.

- g. DIAC and the learned Arbitrator are requested to defer the reference for a period of six weeks from today. If the mediation proceedings are still underway, the parties may jointly request DIAC for a further deferment. After a lapse of a period of six weeks, either party may request DIAC to enter into the reference forthwith.
 - h. The interim order dated 29.04.2024 will continue until a settlement is reached or until the learned Arbitrator has had an opportunity to consider the application under Section 17 of the Act.
4. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned Arbitrator.
5. The petition, alongwith the pending application, stand disposed of in terms of the above.

PRATEEK JALAN, J

JULY 22, 2024
SS/