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

+ **O.M.P.(I) (COMM.) 145/2024**

ANADRONE SYSTEMS PRIVATE LIMITED Petitioner

Through: Mr. Rajshekhar Rao, Sr. Advocate
with Mr. Sarthak Mehrotra, Mr.
Abhay Anil and Mrs. Surbhi
Kapoor, Advocates.

versus

ABSOLUTE COMPOSITES PRIVATE LIMITED Respondent

Through: Ms. Sonam Gupta and Mr. Saumay
Kapoor, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **13.05.2024**

1. This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, for interim measures of protection in anticipation of arbitration under a Memorandum of Understanding dated 27.02.2022 and 01.05.2023.
2. Both the agreements contain arbitration clauses and the seat of arbitration is in New Delhi. Pursuant to issuance of notice on 09.05.2024, Ms. Sonam Gupta, learned counsel, enters appearance on behalf of the respondent.
3. Learned counsel on both sides request a reference to mediation in order to settle the disputes mutually.
4. Ms. Gupta does not contest the existence of an arbitration clause. At the request of learned counsel for the parties, in the event mediation proceedings are unsuccessful, they are referred to arbitration in these

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proceedings itself.

5. Having regard to the aforesaid, 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 20.05.2024.
- c. In the event the mediation proceedings are unsuccessful, the disputes between the parties will be adjudicated by arbitration of Ms. Anita Sahani, Advocate [Tel: 9810113256]. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi ["DIAC"].
- 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. The parties may seek interim measures of protection before the learned Arbitrator if the occasion arises.
- g. DIAC is requested to defer the reference for a period of two months 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 two months upon request of either party.

PRATEEK JALAN, J

MAY 13, 2024
SS/

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