



\$~11 & 12

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

+ **W.P.(C) 809/2016 & CM APPLs. 3584/2016, 37424/2019**

M/S ESQUIRE EXPRESS & COURIER SERVICEPetitioner
versus

THE UNION OF INDIA AND ORSRespondents

+ **W.P.(C) 1748/2016 & CM APPL. 7492/2016**

M/S ESQUIRE EXPRESS &
COURIER SERVICES & ANRPetitioners
versus

UNION OF INDIA & ORSRespondents

Appearance:- Mr. Manish Kohli & Mr. Manjit, Advocates for
Petitioners in Item Nos. 11 & 12
Mr. Om Prakash, Mr. Nitin Panda, Ms. Swati Mishra,
Mr. Sarthak Udipuria & Mr. Amish Kumar,
Advocates for R-1/UOI in Item Nos. 11 & 12.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **18.11.2024**

1. Further to the order dated 12.11.2024, learned counsel for the parties state that they are agreeable to resolution of the disputes by arbitration. Learned counsel for the parties state that they will approach the Delhi International Arbitration Centre, Sher Shah Road, New Delhi ["DIAC"] to appoint an arbitrator and enter into the reference.
2. Mr. Manish Kohli, learned counsel for the petitioner, submits that, prior to adjudication by arbitration, the parties may consider a mutual



resolution by mediation as the principal dispute between the parties only concerns the release of bank guarantees, which in any event have lapsed.

3. The parties are at liberty to approach Samadhan, Delhi High Court Mediation and Conciliation Centre, jointly if they are agreeable to making an attempt to resolve the dispute through mediation. In the event no such resolution fructifies, they are at liberty to approach the DIAC, after a period of four weeks from today.

4. The writ petitions are disposed of with these directions.

5. By an order dated 02.02.2016, the respondents were restrained from invoking the bank guarantee, subject to the petitioner keeping the bank guarantee alive. This order will continue, subject to any orders of the learned arbitrator. The learned arbitrator may continue, vary, modify or vacate this interim order, as he/she considers necessary.

PRATEEK JALAN, J

NOVEMBER 18, 2024

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